

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. D-133 of 2026

**PRESENT: Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'**

Applicant	:	Through Mr. Muhammad Mithal Lak, Advocate
Umed Ali son of Nizamuddin Khokhar		
The State	:	Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.
Date of Hearing	:	02.09.2026
Date of Order	:	02.09.2026

ORDER

Riazat Ali Sahar, J.- Applicant Umed Ali son of Nizamuddin Khokhar, seeks post-arrest bail in Crime No.70 of 2026, registered at Police Station Waleed, District Larkana, for an offence under Section 9(i)(3)(c) of the Sindh CNS Amendment Act, 2025, after dismissal of his post-arrest bail application by the learned Sessions/Special Judge for CNS, Larkana, vide order dated 27.06.2026.

2. According to the prosecution, on 17.05.2026 at about 2000 hours, A.S.I. Ghulam Shabir Haslo of P.S. Waleed, along with police officials, while on patrolling duty, reached near Call Tax Petrol Pump, where he allegedly received spy information that one person namely Umed Ali Khokhar was standing at the New Bus Terminal, on the backside of a house near a closed shop, carrying charas. Acting upon such information, the police party proceeded towards the pointed place and at about 2117 hours allegedly saw the applicant standing near the closed shop carrying a black-coloured shopper. On seeing the police party, he allegedly attempted to escape, whereupon he was apprehended. The shopper was secured from him and,

upon checking, was found to contain charas weighing 1100 grams. One currency note of Rs.500/- was also allegedly recovered from his possession. The alleged recovered charas was sealed at the spot and the applicant was arrested. Hence, the present FIR was registered.

3. Learned Counsel for the applicant argued that the applicant is innocent and has falsely been implicated in the case; that the alleged charas has been foisted upon him by the police; that no independent person was associated with the recovery proceedings despite the alleged place of recovery being a public and busy place; that all the witnesses are police officials subordinate to the complainant. Learned Counsel further contended that the applicant had contracted marriage with Mst. Shumaila D/o Dilshad Ali Khaskheli without the consent of her parents and, due to such matrimonial dispute, the applicant was being pressurized to divorce his wife, which he refused, and consequently the alleged narcotic substance was foisted upon him by using influence. It was further argued that the alleged recovery is of 1100 grams of charas and the question regarding applicability of the exact penal provision and ultimate quantum of punishment is to be determined by the learned trial Court after recording evidence. Learned Counsel further submitted that the interim challan has already been submitted and the applicant is no longer required for further investigation. He therefore submitted that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. On the other hand, learned Deputy Prosecutor General, Sindh opposed the bail application and contended that the applicant was apprehended while carrying the alleged narcotic substance and charas weighing 1100 grams was recovered from his conscious possession. He submitted that the recovery proceedings were conducted in the presence of police mashirs and the video recording of the proceedings was also ordered to be made. He further contended that the police officials had no reason to falsely implicate the applicant and no mala fide on their part has been established. He therefore prayed for dismissal of the bail application.

5. Heard learned Counsel for the applicant, learned DPG for the State and perused the record.

6. The recovery in the present case is shown to be 1100 grams of charas allegedly recovered from the applicant at about 2117 hours. The alleged recovery was made at a public place; however, admittedly, no private person was associated as a mashir of the recovery proceedings. Though the prosecution case is that the applicant was apprehended while carrying the alleged narcotic substance, the question whether the alleged recovery was effected from his conscious possession is ultimately to be determined by the learned trial Court after recording evidence.

7. It is also significant that, though the prosecution claims that PC Moazam Ali was deputed to record video of the recovery proceedings, the evidentiary value and availability of such recording, if any, would be a matter for determination by the learned trial Court. At this stage, the absence of any independent person from the locality as a mashir, despite the alleged recovery having been effected at a public place, is a circumstance which requires tentative consideration.

8. The prosecution has alleged recovery of 1100 grams of charas, whereas the applicant asserts false implication and foisting of the alleged recovery upon him due to a matrimonial dispute. The latter assertion may require examination during trial, particularly in view of the specific defence plea regarding pressure allegedly exerted upon the applicant to divorce his wife. The truth or otherwise of such assertion cannot be conclusively determined at this stage. Moreover, the interim challan has already been submitted and the applicant is no longer required for further investigation.

9. It is settled principle of law that at the stage of bail, the Court is not required to conduct a deeper appreciation of the evidence but only to make a tentative assessment of the material available on record. The question of guilt or otherwise of the applicant is to be determined by the learned trial Court after recording and appreciating the evidence of both sides. The alleged recovery, absence of any independent mashir, the question of conscious possession, the defence plea regarding false implication and the fact that the applicant is no longer required for further investigation, when considered cumulatively, make the case one requiring further inquiry within the meaning of Section 497(2), Cr.P.C.

10. For the foregoing reasons, the instant bail application is **allowed**. Applicant **Umed Ali** shall be released on post-arrest bail subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees fifty thousand only)** and P.R. Bond in the like amount to the satisfaction of the learned trial Court.

11. Needless to say that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE

JUDGE

Zulfiqar