

THE HIGH COURT OF SINDH, CIRCUIT COURT AT
LARKANA

Before:

Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

1st Cr. Bail Application No.D-136 of 2026

Applicant : Abdul Hakeem Chandio, through Mr. Koura Khan Memon, Advocate.

Respondent : The State through Mr. Aitbar Ali Bullo, D.P.G., Sindh.

Date of hearing : 03.09.2026.

Date of Order : 03.09.2026.

ORDER.

RIAZAT ALI SAHAR, J.- Through the instant Criminal Bail Application under Section 497 Cr.P.C., the applicant/accused namely Abdul Hakeem chandio seeks his release on post-arrest bail in Crime No.125 of 2026 registered at Police Station K.N. Shah, for an offence punishable under Section 9(i)1(a) of the Sindh Control of Narcotic Substances Act, 2024.

2. Brief facts of the prosecution case as set-out in the FIR are that on 21.04.2026 the complainant ASI Ali Ahmed Chandio, while allegedly conducting routine patrol along with other police officials, reached Mehar-K.N. Shah Road near Qasim Kanta, where the applicant was apprehended. It is alleged that a black colour polythene bag in his possession was searched and found containing 02 kilograms of Bhang, out of which 250 grams was separated and sealed as sample for chemical examination, while the remaining quantity was sealed separately on the spot. Thereafter, mashirnama of arrest and recovery was prepared and the applicant was brought to the police station where the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. He contended that

the alleged recovery was shown to have been effected from a public road during daytime, yet no independent private mashir was associated with the proceedings and the mashirs cited by the prosecution are police officials and subordinate to the complainant. Learned counsel further contended that neither any photograph nor video recording of the alleged recovery was produced despite the availability of modern means of recording, which creates doubt regarding the genuineness of the prosecution story. He further contended that the applicant is not a previous convict and the plea of false implication on account of police *mala fide* cannot be ruled out at this stage. Learned counsel also contended that the investigation has substantially been completed and the applicant is no longer required for any investigative purpose. He lastly contended that the case calls for further inquiry within the contemplation of Section 497(2), Cr.P.C. and prayed for grant of bail.

4. Conversely, learned Deputy Prosecutor General, Sindh opposed the bail application and argued that the applicant was apprehended red-handed and a substantial quantity of Bhang was recovered from his possession. He submitted that the mashirnama of arrest and recovery was prepared contemporaneously and the statements of police witnesses recorded under Section 161 Cr.P.C. support the prosecution version. Learned D.P.G. further contended that sufficient material is available on record connecting the applicant with the commission of the alleged offence and, therefore, no ground for concession of bail is made out. He accordingly prayed for dismissal of the bail application.

5. We have heard learned counsel for the applicant, learned Deputy Prosecutor General, Sindh, for the State and have carefully examined the material available on record.

6. *Prima facie*, it appears that the entire case of the prosecution rests upon the testimony of police officials. Admittedly, no independent person from the locality was associated with the alleged recovery proceedings despite the fact that the arrest and recovery are stated to have been effected during daytime from a place where independent witnesses could reasonably have been available. Although non-association of private mashirs by itself may not be sufficient to discard the prosecution case, yet such circumstance assumes significance at the bail stage while making a tentative assessment of the available material. The plea of the applicant that he was falsely implicated after

being taken into custody earlier than shown in the prosecution story may require deeper appreciation of evidence, which is the exclusive domain of the trial Court. However, for the purpose of bail, such contention cannot be brushed aside altogether and requires further probe during trial.

7. It is a settled principle of law that at the stage of bail the Court is not required to conduct a deeper appreciation of evidence but only to tentatively assess whether reasonable grounds exist to believe that the accused is connected with the commission of the offence. Where circumstances creating doubt or requiring further probe are available on record, the benefit of further inquiry envisaged under Section 497(2), Cr.P.C. is to be extended to the accused. In the present matter, the absence of independent witnesses, the nature of the evidence collected by the prosecution and the questions regarding the manner of recovery are aspects which require deeper examination during trial and, therefore, bring the case within the ambit of further inquiry. Furthermore, the offence u/s 9(1)(b) of the Act carries maximum punishment upto 07 years and not less than 03 years. It may be observed here that the law is by now settled that minimum punishment is to be considered by the Court at the bail stage.

8. For the foregoing reasons, we are of the view that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the bail application is **allowed**. The applicant is directed to be released on bail upon furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial Court.

9. The observations made hereinabove are purely tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE

JUDGE