

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. D-91 of 2026

Before;

***Mr. Justice Riazat Ali Sahar;
Mr. Justice Ali Haider 'Ada'.***

Applicant : Muhammad Aslam s/o Imdad Ali
Shaikh, *through* Mr. Safdar Ali
Ghouri, Advocate.

The State : *Through* Mr. Aitbar Ali Bullo,
Deputy Prosecutor General Sindh.

Date of Hearing : 06.08.2026
Date of Order : 06.08.2026.

ORDER

Ali Haider 'Ada' J.- Through the instant bail application, the applicant seeks post-arrest bail in Crime No.09 of 2026, registered at Police Station Arija, District Larkana, for an offence punishable under Section 9(i)(3)(c) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Before filing the instant application, the applicant approached the learned Sessions Judge/Special Judge (CNS), Larkana, for the same relief; however, his bail application was declined.

2. Briefly stated, the prosecution case is that on 18.05.2026, the applicant was allegedly apprehended by the police and found in possession of 1040 grams of Charas. After completing the prescribed legal formalities, the instant FIR was registered against him. Upon completion of the investigation, the challan was submitted before the learned trial Court.

3. Learned counsel for the applicant contended that the prosecution case suffers from material contradictions and inconsistencies between the oral and documentary evidence collected during the investigation. He further argued that the applicant has falsely been implicated in the present case and that the alleged recovery of 1040 grams of Charas constitutes a borderline quantity, thereby bringing the case within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. He, therefore, prayed that the applicant be admitted to post-arrest bail.

4. Conversely, the learned State Counsel opposed the bail application and submitted that the alleged contraband was recovered from the exclusive physical possession of the applicant. According to him, the prosecution has collected sufficient incriminating material connecting the applicant with the commission of the offence; therefore, the applicant does not deserve the concession of bail.

5. Heard the learned counsel for the parties and perused the available record with their assistance.

6. A tentative assessment of the material available on record reveals that both mashirs of arrest and recovery are police officials, whereas no independent private person was associated with the recovery proceedings despite there being no apparent impediment in doing so. Whether such omission adversely affects the credibility of the prosecution case is a matter requiring evidence, which can only be undertaken during the course of trial.

7. Furthermore, the prosecution alleges recovery of 1040 grams of Charas from the applicant. Although the quantity marginally exceeds the prescribed statutory limit, it nevertheless falls within the category of a borderline recovery, which has consistently been regarded by the Superior Courts as a relevant circumstance while

considering post-arrest bail. It is well established that where the quantity of the alleged contraband is only marginally above the statutory threshold and the prosecution evidence requires further scrutiny, the case may fall within the ambit of further inquiry envisaged under Section 497(2), Cr.P.C. Reliance in this regard may safely be placed upon **Ikramullah v. The State (2026 PCr.LJ 165)**, **Muhammad Ismail v. The State (2025 MLD 778)**, **Barkatullah v. The State (2025 PCr.LJ 994)**, **Imran v. The State (2024 YLR 1487)**, **Muhammad Yousuf v. The State (2023 PCr.LJ Note 37)**, **Aashiq Hussain v. The State (2022 PCr.LJ Note 64)**, **Rahim Bakhsh v. The State (2021 MLD 553)**, and **Muhammad Jahangir Khan v. The State (2021 MLD 1674)**.

8. At this tentative stage, the circumstances discussed above are sufficient to bring the matter within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

9. In view of the foregoing discussion, the instant bail application is allowed. The applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are purely tentative in nature and shall not prejudice either party at the time of trial.

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