

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. D-120 of 2026

Before;

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

Applicant : Siraj alias Jani son of Anwar Ali
Magnhar, *through* Mr. Haji Ahsan
Ahmed Memon, Advocate.

The State : *Through* Mr. Nazir Ahmed Bangwar,
Deputy Prosecutor General Sindh.

Date of Hearing : 05.08.2026
Date of Order : 05.08.2026.

ORDER

Ali Haider 'Ada' J.- Through this post-arrest bail application, the applicant seeks his release in Crime No.41/2026, registered at Police Station Garhi Yasin, for an offence punishable under Section 9(i)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024. Earlier, the applicant approached the Court of the learned I-Additional Sessions Judge/Special Judge (CNS), Shikarpur, for the same relief; however, his application was declined vide a reasoned order.

2. Briefly stated, the prosecution case is that on 10.05.2026, the applicant was allegedly apprehended by the police and found in possession of two kilograms of charas. After observing the requisite legal formalities, the present 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 is fraught with material infirmities and contradictions. He argued that the documentary evidence available

on record is inconsistent with regard to the weight of the alleged recovered narcotics, which creates serious doubt about the authenticity of the prosecution story. It was further submitted that the prosecution has failed to maintain an unimpeachable chain of safe custody of the alleged contraband, as the samples were transmitted to the Chemical Examiner after an unexplained delay, rendering the prosecution case highly doubtful. On these premises, it was urged that the case squarely falls within the ambit of further inquiry, entitling the applicant to the concession of bail.

4. Conversely, learned State Counsel vehemently opposed the application, contending that the narcotics were recovered from the exclusive physical possession of the applicant, the Chemical Examiner's report supports the prosecution case, and sufficient incriminating material is available on record to connect the applicant with the commission of the alleged offence.

5. Heard the learned counsel for the parties and have carefully examined the available record.

6. A tentative assessment of the record reveals that although the alleged recovery was effected and the FIR was registered on 10.05.2026, the samples of the recovered narcotics were received by the Chemical Examiner after a delay of approximately nine days. Significantly, neither the investigation papers nor the prosecution has furnished any plausible explanation for such delay, nor has any material been produced to demonstrate that during the intervening period the samples remained in safe and secure custody without any possibility of tampering. It is now a settled principle of criminal jurisprudence that in narcotics cases, where conviction predominantly rests upon the integrity of the recovered substance, the prosecution is under a heavy obligation to establish an unbroken chain of custody from the time of recovery until the receipt of the samples by the Forensic Science Laboratory. Failure to establish such

safe custody renders the prosecution case open to serious doubt. The august Supreme Court of Pakistan, in *Sagheer Ahmed v. The State (2024 SCMR 913)*, has categorically held that unexplained delay in transmitting the samples to the Chemical Examiner, coupled with failure to establish their safe custody during the intervening period, substantially impairs the evidentiary value of the chemical examination report and creates a reasonable doubt in the prosecution case.

7. It is equally well settled that at the stage of deciding a bail application, the Court is required to make only a tentative assessment of the material available on record. If such assessment gives rise to reasonable doubt regarding the prosecution version or indicates that the case calls for further inquiry, the accused becomes entitled to the concession of bail. In this regard, reliance may also be placed upon *Fayaz Khan v. Mohsin Shah (2026 SCMR 1076)*.

8. For the foregoing reasons, the instant bail application is allowed. The applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R Bond in the like amount to the satisfaction of the learned trial Court. It is clarified that the observations made herein are purely tentative in nature and shall not prejudice either party during the course of trial, where the learned trial Court shall decide the matter strictly on the basis of the evidence that may be produced before it and in accordance with law.

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