

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. D-92 of 2026

Before;

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

Applicant : Saleem Akhtar 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 application, the applicant seeks post-arrest bail in Crime No.35 of 2026, registered at Police Station Taluka, District Larkana, for an offence punishable under Section 9(i)(3)(c) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Prior to approaching this Court, the applicant had sought the same relief before the learned Sessions Judge/Special Judge (CNS), Larkana; 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 1100 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 is riddled with material contradictions and

inconsistencies, particularly between the oral and documentary evidence collected during the investigation. He further argued that the applicant has been falsely implicated and that the alleged recovery of 1100 grams of Charas falls within the category of 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 bail.

4. Conversely, the learned State Counsel vehemently opposed the bail application and argued that the alleged narcotics were 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, no case for grant of bail is made out.

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 alleged recovery proceedings despite there being no apparent impediment in doing so. Whether the omission to associate independent witnesses affects the veracity 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 1100 grams of Charas from the applicant. Although the quantity exceeds the statutory threshold, it nevertheless falls within the category of borderline recovery, which has consistently been treated by the Superior Courts as a relevant circumstance while considering the question of post-arrest bail. It is well established where the quantity

recovered is marginally above the prescribed limit and the prosecution evidence requires further scrutiny, the case may fall within the scope of further inquiry envisaged under Section 497(2), Cr.P.C. In this regard, reliance 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. Consequently, this 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 and shall have no bearing whatsoever on the merits of the case at the time of trial.

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