

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Criminal Bail Application No. D- 127 of 2026.
(Allah Bux Bangulani Vs. The State)

Present:

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

Applicant: Allah Bux son of Bingo alias Bangul, by
caste Bangulani, *through* Mr. Haji Ahsan
Ahmed Memon, Advocate.

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

Date of Hearing: 05.08.2026.

Date of Order: 05.08.2026.

ORDER

Ali Haider 'Ada', J:-, Through the instant post-arrest bail application, the applicant seeks his release in Crime No.47 of 2026, registered at Police Station Karampur, for an offence punishable under Section 9(i)(3) of the Sindh Control of Narcotic Substances Act, 2024. Earlier, the applicant approached the learned Special Judge (C.N.S.), Kashmore @ Kandhkot, for the same relief; however, his application was declined.

2. Briefly stated, the prosecution case is that on 27.04.2026, while the police party was on routine patrol, the present applicant was allegedly intercepted and found in possession of 2,000 grams (2 kilograms) of charas contained in a blue-coloured shopping bag. After completing the requisite codal formalities, the instant FIR was registered, and upon completion of the investigation, the challan was submitted before the learned trial Court.

3. Learned counsel for the applicant contended that the prosecution story is inherently doubtful. He argued that although the alleged recovery was effected from a thickly populated locality,

no independent person from the vicinity was associated with the recovery proceedings, without any plausible explanation. It is further submitted that the alleged recovery has been foisted upon the applicant due to previous enmity, as an earlier FIR had been lodged by one Nooruddin against him, wherein he was subsequently acquitted, and thereafter, in collusion with the police, the complainant falsely implicated the applicant by planting the alleged contraband. Learned counsel further submitted that the prosecution evidence suffers from material discrepancies, rendering the case one of further inquiry and entitling the applicant to the concession of bail.

4. Conversely, learned State Counsel opposed the application and submitted that the applicant was apprehended on the spot and 2,000 grams of charas were recovered from his exclusive and conscious possession. He argued that the recovery is supported by the chemical examination report and sufficient incriminating material is available on record to prima facie connect the applicant with the commission of the alleged offence; therefore, the applicant does not deserve the concession of bail.

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

6. A tentative assessment of the material available on record reveals that, according to the prosecution, 2,000 grams of charas were allegedly recovered from the possession of the applicant. However, the Chemical Examiner's report reflects that the net weight of the received sample was found to be 1,980 grams. It nevertheless constitutes a discrepancy between the prosecution's documentary evidence, which, at this stage, cannot be lightly ignored. Such inconsistency assumes significance in narcotics cases, where the prosecution is required to establish an unimpeachable chain of custody and consistency in the recovered substance from the time of its seizure until its examination by the Forensic Science

Laboratory. Any unexplained discrepancy in the prosecution's own documentary record is a circumstance that may reasonably be considered while determining whether the case calls for further inquiry.

7. It is a settled principle of law that while deciding a bail application, the Court is required to tentatively evaluate the allegations contained in the FIR, the statements recorded under Section 161, Cr.P.C., the documentary evidence collected during the investigation, the nature and gravity of the accusation, and the defence plea raised by the accused, without embarking upon a deeper appreciation of evidence. In this regard, reliance is placed upon *Shahzad Ahmed v. The State* (2010 SCMR 1221).

8. It is also an admitted position that the investigation has already been concluded and the challan has been submitted before the learned trial Court. Consequently, the applicant is no longer required by the investigating agency for any further probe or interrogation. Whether the alleged contraband was actually recovered from the exclusive and conscious possession of the applicant is a matter which can only be conclusively determined after the parties lead their evidence during the course of trial. At this stage, the aforementioned discrepancy in the prosecution evidence, coupled with the completion of the investigation, prima facie brings the case within the ambit of further inquiry. In this regard, guidance is sought from the judgment rendered in *Taj Muhammad v. The State* (2025 MLD 1980).

9. For the foregoing reasons, this Court is of the tentative view that the applicant has succeeded in making out a case for the grant of post-arrest bail. Consequently, 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 personal recognizance (P.R.) bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to observe that the findings recorded herein are purely tentative in nature, confined exclusively to the disposal of the present bail application, and shall not prejudice either party during the course of the trial. The learned trial Court shall decide the case strictly on the basis of the evidence that may be produced before it, uninfluenced by any observation contained in this order.

JUDGE

JUDGE

S.Ashfaq/.