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Presented on
6 FEB 2025
Addl. Registrar

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IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

CRIMINAL BAIL APPLICATION NO. _____ OF 2025

S-55

Abdul Majid son of Muhammad Juman Buriro
Now confined at District Prison Larkana.

-----Applicant

Versus,

The State.

-----Respondent.

Off: U/S: 9 (3) (C) CNSA.
Crime No.44 of 2024
P.S Kanga,
District Larkana.



BAIL APPLICATION U/S 497 CR.P.C

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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st Cr. Bail Application No.S-55 of 2025

Date	Order with signature of Judge
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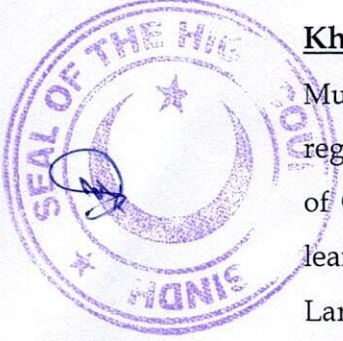
1. For orders on office objection.
2. For hearing of Bail Application.

Applicant : Abdul Majid Buriro,
through Mr. Habibullah G. Ghouri,
Advocate.

The State : Through Mr. Nazeer Ahmed Bhangwar,
Deputy Prosecutor General.

Date of hearing : 24.02.2025.
Date of order : 24.02.2025.

ORDER



Khalid Hussain Shahani, J.- Applicant Abdul Majid son of Muhammad Juman Buriro seeks post arrest bail in Crime No.44 of 2024 registered at P.S Kanga, District Larkana, for offence under Section 9(3)(c) of CNS, Act, 1997. Such plea of the applicant was turned down by the learned 1st Additional Sessions Judge/Special Judge for CNS (MCTC), Larkana vide order dated 31.01.2025.

2. According to the case of prosecution, on 16.12.2024, at about 1500 hours, a police of party of Kanga Police Station under the supervision of complainant ASI Hadi Bux, on a tip-off, started checking of vehicles near Sachay Bux Jagirani Village situated on Larkana-Ratodero road, during which impounded a black colour Corolla Car without number plate, apprehended the applicant, being driver of the said car, along with co-accused Naveed Ahmed Buriro. Charas weighing 2000 grams lying in a black shopper was recovered from the folds of shalwar of the applicant, together with five currency notes of Rs.100/- each. Apart from that, 1200

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charas was also recovered from the possession of co-accused Naved Ahmed, for which such FIR was registered on behalf of the State.

3. Heard learned Counsel for the applicant, learned DPG for the State and perused the record.

4. Learned Counsel for the applicant urged that the applicant has been falsely implicated in this case by the police by foisting charas against him; that despite information received in advance no independent private person was picked or associated by the police from way or the place of incident to witness the alleged recovery proceedings; that neither photographs nor video recording of the seizure and arrest were made, therefore, such aspect of the case comes within the scope of further inquiry; that co-accused Naveed Ahmed has been granted bail by the learned trial Court; that the case has been challaned and the applicant is not required to police for any further investigation. Under these circumstances, learned counsel prays the applicant may be enlarged on bail. In support of his contentions, reliance has been placed on the case reported as *Zahid Sarfaraz Gill v. The State (2024 SCMR 934)*.

4. On the other hand, Learned DPG vehemently opposes the bail application, on the ground that no *mala fide* on the part of the police has been shown to indicate that the alleged recovery has been foisted upon the applicant.

5. The alleged recovery is shown to have been made on receipt of spy information and no independent is shown to have witnessed the alleged recovery. Further, the police also failed to make video recordings/take photographs of the search, seizure and arrest, as observed by the Hon'ble Supreme Court in the reported case of *Zahid Sarfaraz Gill (supra)* relied upon by learned Counsel for the applicant. The applicant is in jail since the date of his arrest. Co-accused Naveed Ahmed, who was accompanying the applicant at the time of alleged recovery and 1200 grams charas was also recovered from him, has been granted bail by the learned trial Court, on the ground that his case was falling within ambit of borderline. Section 9(1) of the Act provides punishment with

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imprisonment up-to fourteen years and not less than nine years for possessing, importing, or exporting and trafficking 'charas' in contravention of Sections 6, 7 and 8 of the Act, for more than 1000 grams and up-to 4999 grams in quantity. It is settled principle of law that at bail stage lesser punishment is to be considered. The quantum of punishment could only be decided by the trial Court after recording pro and contra evidence at trial. No previous record showing involvement of the applicant in any crime of the like nature has been placed. It is also settled law that unless proved guilty, every accused is to be presumed as favourite child of law. In such circumstances, the case of the applicant in my humble view squarely falls within the purview of further enquiry, as contemplated by Section 51 (2) of the Act, read with Section 497(2), Cr.P.C.

6. Above are the detailed reasons of short order passed by me today in Court, whereby while allowing instant bail application applicant Abdul Majid Buriro was directed to be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial Court.

7. The above observations are tentative in nature, which shall not prejudice the case of either party at trial.



sd/-
Khalid Hussain Shahani
Judge 24/12/24