

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Cr. Bail Appln. No. D-90 of 2025

Before:

Mr. Justice Amjad Ali Bohio, J.

Mr. Justice Khalid Hussain Shahani, J.

Applicant : Mushtaque Ahmed s/o Shabir Ahmed, Qureshi
Through Mr. Abdul Rehman Rana, Advocate

The State : *Through* Syed Sardar Ali Shah, Addl. P.G

Date of Hearing : 14.10.2025
Date of short order : 14.10.2025
Reasons recorded on : 16.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicant Mushtaque Ahmed Qureshi seeks post arrest bail in a case bearing crime No.47/2025, for offence under Sections 9(1), 3(b) Sindh CNS Act, 2024, registered at Police Station Bhiria Road. Prior to this, his bail plea was declined by the Court of learned Sessions Judge (Competent Court) Naushahro Feroze vide order dated 03.09.2025.

2. Concisely, facts of the prosecution of case are that on 22.07.2025 complainant ASI Muhammad Saffar Rajper lodged the FIR alleging therein that on the day of occurrence he along with his subordinate staff left Police Station vide entry No.18 at 1730 hours for patrolling. Whilst patrol, when they reached near village Danse leading to Gate saw two persons, who on seeing the police party tried to escape, but they were apprehended at 10/12 paces. On inquiry first person disclosed his identity as Imran Ali and during his personals search, one black small polythene bag recovered from left side of his pocket containing one slab of 800 grams *charas*. On enquiry other person disclosed his name as Mushtaque Ahmed and from his body search, one black small polythene bag containing one slab of 600 grams *chars* was secured 100 grams *charas* was separated from each slab, such memo of arrest and recovery was prepared at the spot. Consequent upon, case was registered *inter-alia* on above facts.

3. Learned counsel contends that the applicant is innocent and has falsely been implicated in this case by the police; that no independent civilian *mashirs* were associated at the time of seizure in violation of Section 103 Cr.P.C.; and that the minimum prescribed sentence of nine years does not engage the prohibitory clause of Section 497(1) Cr.P.C, making bail a rule rather than an exception. He also contended that co-accused Imran Ali has already been granted bail and the case of applicant is on better footings to that of co-accused, therefore on the rule of consistency he is also entitled for concession of bai. He relies on case laws cited at 2025 SCMR 1613.

4. Learned Additional Prosecutor General reluctantly concedes the grant of bail on the rule of consistency.

5. We have heard learned counsel and perused record. Since, co-accused Imran Ali from whom allegedly *charas* weighing 800 grams recovered is already on post arrest bail vide order dated 10.09.2025, while recovery from the present applicant is shown 600 grams of *charas*, as such on the rule of consistency, he is entitled for same relief. Consequently, instant application was allowed and the applicant named above was admitted to bail, subject to furnishing solvent surety in sum of Rs.100,000/- (One Hundred Thousand Rupees) along with P.R Bond of like amount to the satisfaction of the learned trial court vide short order dated 14.10.2025 and these are the reasons for the same. The above assessments are tentative in nature and shall not affect the merits of trial.

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