

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. D-83 of 2025

Before:

*Mr. Justice Adnan Iqbal Chaudhry;
Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Bilal @ Bilawal son of Allah Warayo Dero,
through Mr. Syed Soofan Shah, Advocate.

The State : Through Mr. Nazir Ahmed Bhangwar,
D.P.G for State.

Date of Hearing : 10.03.2026
Date of Order : 10.03.2026.

ORDER

Abdul Hamid Bhurgri J.- The applicant Bilal @ Bilawal son of Allah Warayo Dero seeks post-arrest bail in Crime No.100/2025, registered at Police Station A-Section Kandhkot, for an offence punishable under Section 9(i),3(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his post-arrest bail application by the learned Sessions/Special Judge for CNS, Kashmore at Kandhkot, vide order dated 11.09.2025.

2. According to the F.I.R., on 29.04.2025 at about 1100 hours, the complainant ASI Hondal Khan, along with his subordinate staff, during the course of patrolling apprehended the applicant who was carrying a blue shopper near Bajar Wah on the road leading from Kandhkot to Khair Shah. Upon checking the said shopper, it was allegedly found containing pieces of charas, which were weighed and found to be 3000 grams. The personal search of the applicant allegedly led to recovery of cash amounting to Rs.1000/-. The contraband was sealed at the spot and a memo of recovery was prepared accordingly.

3. Learned counsel for the applicant contended that the applicant is innocent and that the alleged contraband has been foisted

upon him. It was argued that no independent private mashir was associated in the alleged recovery despite their availability and all the mashirs cited by the prosecution are police officials. Learned counsel further submitted that the applicant was allegedly taken away earlier by the CIA Police, Larkana, from Dokri town on 24.04.2025, whereafter the applicant's mother filed an application under Section 491 Cr.P.C. for his recovery. According to the learned counsel, in order to justify the alleged illegal detention, the applicant was subsequently shifted to P.S. A-Section Kandhkot and the present F.I.R. was lodged. It was also contended that no video of the alleged recovery was recorded, the applicant has no previous criminal record, and thus the case calls for further inquiry.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R. and 3000 grams of charas was recovered from his exclusive possession. It was further submitted that the contraband was duly sealed at the spot and the alleged quantity falls within the prohibitory clause of Section 9(c) of the Act, read with the restriction contained in Section 35 of the Sindh Control of Narcotics Act, 2024, therefore the applicant does not deserve the concession of bail.

5. We have heard learned counsel for the parties and have perused the material available on record.

6. Prima facie, it appears that the provisions of Section 17(1) of the Act may not have been strictly complied with, inasmuch as the complainant is an Assistant Sub-Inspector and not a Sub-Inspector as contemplated under the statute. The legal effect of such non-

compliance is a matter to be determined at trial. Furthermore, the allegation that the applicant had allegedly been taken away earlier by the CIA Police, Larkana, and that an application under Section 491 Cr.P.C. had been filed by his mother prior to registration of the present F.I.R., introduces a circumstance which cannot be lightly ignored at the bail stage. This aspect, coupled with the absence of any previous criminal record of the applicant, creates a doubt requiring further probe.

7. Although the alleged quantity falls within the prohibitory clause attracting the restriction contained in Section 35 of the Sindh Control of Narcotics Act, 2024, yet such restriction is not an absolute bar where the circumstances of the case create reasonable doubt requiring further inquiry. At this tentative stage, the circumstances discussed above make the matter one of further inquiry. Moreover, the applicant is in judicial custody and is no longer required for investigation.

8. In view of the above circumstances, the applicant has made out a case for the concession of bail. Accordingly, the bail application is allowed and the applicant is admitted to bail subject to furnishing personal bond in the sum of Rs.100,000/- with one solvent surety in the like amount to the satisfaction of the learned trial Court.

9. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

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