

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Criminal Bail application No.D-194 of 2025

Present:
Justice Tasneem Sultana
Justice Jan Ali Junejo

Applicant : Abdul Lateef s/o Gulab through Mr. Abdul Majeed Magsi, advocate.

Respondent : The State, through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh along with Inspector Imtiaz Ali.

Date of hearing : 06.01.2026

Date of order : 06.01.2026

ORDER

TASNEEM SULTANA, J. - Through this bail application, the applicant Abdul Lateef seeks pre-arrest bail in Crime No.112 of 2025, under Sections 9 (1) (1) (d) The Sindh Control of Narcotic Substances Act, 2024 (SCNSA), registered at PS B-Section, Tando Muhammad Khan, after his pre-arrest bail application was declined by the learned Sessions Judge/Special Judge CNS, Tando Muhammad Khan, vide order dated 27.10.2025.

2. Brief facts of the case are that on 29.06.2025, a police party of PS B-Section Tando Muhammad Khan, headed by Inspector Muhammad Younis Sehto, while on routine patrolling duty vide entry No.13 at about 1910 hours, conducted snap checking at Tando Fazal Channel Mori Link Road. During the said checking, a blue-coloured MAZDA bearing Registration No. JZ-0844 was intercepted; however, two persons including the present applicant Lateef managed to escape by taking advantage of darkness, whereas the co-accused Nasrullah s/o Abdul Khalique was apprehended at the spot. Upon search of the said vehicle, 40 kilograms of Hemp/ *Bhang* were allegedly recovered from four sacs concealed under straws (Parar). The arrested accused Nasrullah was taken into custody and the recovery was shown to have been effected under a mashirnama prepared in the presence of police mashirs PC Mohib Ali and PC Noshad Ali. Consequently, the present FIR was registered.

3. Learned counsel for the applicant contended that the applicant/accused is innocent and has been falsely implicated by the complainant; that the alleged

place of arrest and recovery is a thickly populated area, yet no private person was associated to witness the alleged proceedings; that except for the version of the police, there is no independent material to connect the applicant/accused with the commission of the alleged offence; that the complainant relied solely on his subordinate staff and failed to associate private witnesses, which weakens the prosecution case; that nothing was recovered from the exclusive possession of the applicant.

4. Conversely learned APG opposed the instant bail application and contended that applicant/accused is nominated in FIR and 40 KG of Bhang was recovered from the Mazda in which the applicant and co-accused were travelling; that no malafide on the part of police for false implication of applicant/ accused has been established; that the FIR has been registered promptly.

5. Heard and record perused.

6. No doubt, the applicant is nominated in the FIR; however, the allegation against him is that he, while travelling in a Mazda along with the co-accused, was intercepted by the police and he managed to escape. The police party, though allegedly equipped with sophisticated weapons, did not pursue him. Although the applicant has been shown present at the place of incident, at the time of fleeing he did not leave behind any incriminating article nor was he shown to be in possession of any item connecting him with the commission of the offence except for his mere presence. Such allegation is yet to be established by the prosecution after recording its evidence, and the trial court will determine the same.

7. Furthermore, the alleged recovery is stated to have taken place in a densely populated locality; nonetheless, the police failed to associate any neutral or independent witnesses at the relevant time. It is a cardinal principle of criminal jurisprudence that where the prosecution's case is premised exclusively upon official testimony, devoid of corroboration from impartial and independent witnesses, the benefit of doubt must necessarily accrue to the accused. In this regard, reliance is placed upon the precedent laid down in *Muhammad Arshad v. The State* (2022 SCMR 1555). Additionally, the applicant has no prior criminal antecedents and, therefore, cannot be categorized as a habitual offender.

8. In the circumstances and in view of the dicta laid down by the Hon'ble Supreme Court of Pakistan in the case of *Muhammad Tanveer v. The State and another* (PLD 2017 SC 733), the case against the applicant requires further inquiry. At the bail stage, only a tentative assessment of the material on record is to be made. In the circumstances, a case for further inquiry within the meaning of

sub-section (2) of Section 497 Cr.P.C. is made out. Consequently, the instant bail application is allowed. The interim pre-arrest bail granted to the applicant/accused by this Court vide order dated 11.11.2025 is hereby confirmed on the same terms and conditions.

9. The observations made in this order are tentative in nature and shall not prejudice the merits of the case at trial.

J U D G E

J U D G E

Irfan Ali