

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.D-21 of 2026.

Applicant: Qadir Bux son of Muhammad Arib,
Through Mr. Imtiaz Ali Abbasi, Advocate.

Respondent: The State
Through Mr. Altaf Hussain Khokhar, D.P.G for State

Date of hearing: 21.04.2026
Date of order: 28.04.2026

ORDER

Syed Fiaz ul Hassan Shah, J: The applicant was booked in Crime No. 07 of 2026 registered at P.S. Husri on the allegation that on 06.01.2026, a police party headed by Inspector Ghulam Abbas during patrolling at main road Tando Fazal near Shaikh Rehan Chowk, Hyderabad and apprehended the applicant and recovered 350 grams of methamphetamine (ICE) from his possession.

2. Counsel for Applicant states that applicant/accused is innocent and he has falsely been involved in this case; that two FIRs bearing crime No.07 of 2026 against (present applicant) and crime No.06 of 2026 against co-accused Baqa Muhammad were registered for the same incident for the alleged recovery of 350 grams of methamphetamine (ICE) in violation of the principles settled in *Mst. Sughran Bibi v. The State (PLD 2018 SC 595)*; that in other FIR bearing crime No.06 of 2026 accused Baqa Muhammad has already been granted bail by this Court in Cr. Bail Application No.D-20 of 2026 hence, the plea of rule of consistency is applied for present applicant/accused; that no independent witness was arranged at the time of alleged recovery of the narcotic thereby section 103 was violated; that challan has been submitted before the Trial Court, that the applicant is no more required for investigation and there is no apprehension; that the applicant is attempting to temper or destroy the prosecution's evidence.

3. On the other hand, the learned D.P.G for the Sate vehemently opposed the bail application.

4. We have heard the learned counsel for parties and perused the record.

5. We have noted that co-accused, Baqa Muhammad, has already been admitted to bail by this Court in Cr. Bail Application No. D-20 of 2026 and the role of the Applicant is same hence the doctrine of the Rule of Consistency is applicable in the present case. Therefore, the Applicant is entitled to the same concession as has already been given to the co-accused. Further, the punishment for the alleged possession of 350 grams of ICE

ranges from six months to one year; therefore, the offence does not fall within the Prohibitory Clause of **Sub-Section (1) of Section 497 Cr.P.C.** and it is a well-settled principle of law that in cases where the offense does not fall within the prohibitory clause, the **grant of bail is a rule and refusal is an exception.** Since the investigation has completed and the applicant is no more required for the purpose of investigation and no fruitful result would be achieved to keep him incarceration for indefinite period to conclude trial.

6. It is a matter of record that for the same incident and same proceedings of alleged Recovery of Narcotics contrabands, the police have registered **two separate** FIRs, that is one FIR bearing Crime No. 07/2026 against the present applicant and other FIR bearing Crime No. 06/2026 against co-accused Baqa Muhammad, both alleging recovery of 350 grams of Methamphetamine (ICE) which violates the well-settled principles enunciated in **Mst. Sughran Bibi v. The State (PLD 2018 SC 595)** by the Hon'ble Supreme Court but also leads to unnecessary litigation and complications.

7. The registration of more than one FIR for an occurrence or with different provisions of penal statutes as counter-version is not only the situation fraught with danger for the case of prosecution but also demonstrate a clear and consistent pattern of obfuscation and **blatant** disregard of the principles laid down by the Hon'ble Supreme Court in which mandates that only one FIR shall be registered for an incident. In light of this jurisprudence, the applicant is accordingly extended the concession of post arrest bail in the sum of Rs.50,000/-, with a P.R. bond in the like amount, to the satisfaction of the learned trial Court.

8. Therefore, before parting with this order, we direct the **DIGP Hyderabad Range** to curb from impeding registration of more than one FIR for same incident and same Recovery of Narcotics contraband and eradicate such practice through stringent instruction by way of circular amongst **SHOs** within his Range/jurisdiction and submit compliance report to this Court through the Additional Registrar, Hyderabad.

9. Needless to observe that any finding recorded herein-above are tentative in nature for the purpose of deciding this bail application, and the trial Court will not be influenced with it and will try the case in accordance with law.

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