

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

Criminal Bail Application No.D-76 of 2026

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Syed Fiaz ul Hassan Shah.

Applicant: Pervez alias Paroo son of Hakim Chandio,
Through M/s. Shamsuddin Rajper and Fayazuddin Rajper, Advocates.

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

Date of hearing: 14.04.2026

Date of decision: 21.04.2026

ORDER

Syed Fiaz ul Hassan Shah, J: The applicant was booked in Crime No. 169 of 2025 registered at P.S. Hatri on the allegation that on June 3, 2025, a police party headed by SIP Ghulam Hussain Noonari stopped the applicant at during a routine patrol based on suspicion. Upon conducting a personal search, the police allegedly recovered 1500 grams of contraband (charas).

2. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in this case. He further contended that two FIRs bearing crime No.168 of 2025 and 169 of 2025 were registered for the alleged recovery as from the accused Jawad Ali 2490 grams of charas was recovered and from the present applicant Pervez alias Paroo Chandio police allegedly police recovered 1500 grams of charas respectively. He further contended that despite spy information and sufficient time the police failed to arrange any independent witness for the alleged recovery; that that no video recording as required under Section 17(2) of Sindh CNS Act 2024 as well as article 164 and 165 of the Qanun-e-Shahadat Order that no buyer or seller's information disclosed or determined during course of investigation; that memo of inspection is made on 03.5.2025 while FIR was registered on 03.06.2025, which makes the case of the applicant as further inquiry; 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, 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 opposed the bail application on the grounds that the applicant was nominated in the FIR and the narcotic charas was recovered from his exclusive possession; that in the memo of inspection due to mistake the date was made as 03.05.2025 instead of 03.06.2025 which is curable mistake; that applicant is involved in 12 cases of different in nature and he conceded that video recording is not available

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

5. We observed that video recording during Recovery proceedings in Narcotics cases is a statutory duty which is codified under Section 17(2) of the Sindh CNS Act, 2024. The Hon'ble Supreme Court has consistently held in several judgments that video recording and photography are mandatory during the recovery of narcotics and such principles consistently laid down in *Muhammad Abid Hussain vs. The State and another (2025 SCMR 721)* and *Zahid Sarfaraz Gill vs. The State (2024 SCMR 934)*. Surprisingly, these protocols were not followed in the present case. Furthermore, the memo of inspection is made on 03.05.2025, whereas the FIR was registered 03.06.2025. Even if we accept the learned D.P.G.'s contention that "03.05.2025" was written inadvertently, more than a year has passed, the prosecution has not taken any step for rectification of this error. We further observe that while the Raiding Police party allegedly recovered 2,490 grams of charas from the co-accused and 1,500 grams from the present applicant under a joint memo, two separate FIRs were registered for the same incident in violation of the principles settled in *Mst. Sughran Bibi v. The State (PLD 2018 SC 595)*, wherein the Hon'ble Supreme Court conclusively held that only one FIR shall be registered in respect of an occurrence. These deficiencies bring the matter within the purview of "further inquiry" under Section 497(2) Cr.P.C.

6. The applicant is in custody for last ten months. It is a well-established "golden principle" of criminal justice that while the conviction of a guilty person may ultimately remedy an erroneous grant of bail, no adequate reparation can ever be afforded to an innocent individual for unjustified incarceration, even if acquittal is eventually secured. This principle, first enunciated in ***Manzoor v. The State (1972 PLD SC 81)***, has been consistently upheld by the Hon'ble Supreme Court. In light of this jurisprudence, the applicant is accordingly extended the concession of post arrest bail in the sum of Rs.200,000/-, with a P.R. bond in the like amount, to the satisfaction of the learned trial Court.

7. 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.

J U D G E

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Ahmed/Pa,