

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.D-78 of 2026

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Syed Fiaz ul Hassan Shah.

Applicant: Irfan son of Muhammad Iqbal.
Through Syed Muhammad Waseem Shah, Advocate.

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

Date of hearing: 14.04.2026

Date of decision: 22.04.2026

ORDER

Syed Fiaz ul Hassan Shah, J: The applicant was booked in crime No.11 of 2026 when the police party during patrolling at Sakhi Peer Charhi crossing Ganda Nala Road when reached at Maal Patri in suspicion stopped the applicant tactfully and on his personal search recovered two big slabs and 1 small of piece charas, video recording was made from mobile phone of the official, weighing the said charas found 1522 grams.

2. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. He further submitted that, despite having prior "spy information," the police failed to associate any independent witnesses to attest to the alleged recovery. He argued that the applicant is a first-time offender and pointed out procedural lapses, specifically that the recovered contraband was sent for chemical examination after a three-day delay and the statements of witnesses were recorded with a delay of one day.

3. Conversely, the learned D.P.G. for the State vehemently opposed the bail application. He argued that the applicant is nominated in the FIR with a specific role and was apprehended *red-handed* at the spot in possession of narcotics. He further contended that the applicant is a habitual offender involved in more than ten cases of varying natures; therefore, at this stage, he is not entitled to the concession of bail.

4. We have heard the learned counsel for the respective parties and perused the available record with their assistance.

5. A perusal of the record reveals that the applicant was arrested on the spot, and the police allegedly recovered 1,522 grams of charas from his possession, for which the applicant has failed to provide any valid explanation or justification. It is a settled principle that for the purpose of considering bail in narcotics cases, the maximum sentence provided by law must be taken into account. In the present case, the alleged offense carries a punishment ranging from nine to fourteen years; therefore, the case clearly falls within the prohibitory clause of Section 497(1) Cr.P.C. Regarding the contentions raised by the learned counsel for the applicant—namely the non-association of private witnesses despite prior information, the three-day delay in sending the samples for chemical analysis, and the delay in recording Section 161 Cr.P.C. statements required deeper appreciation. This Court cannot engage in a deeper appreciation of the evidence at the bail stage, as such nuances are to be determined by the Trial Court after recording evidence.

6. We find that the recovery of a significant quantity of contraband from the applicant's direct possession constitutes a *prima facie* case against him. The applicant's silence on the reasons or arguments lacking police animosity or rancor regarding recovery of colossal quantity of narcotics substance is relevant to the court's assessment of their case. Such proceedings of recovery is backed by video recording and therefore, in our tentative view, sufficient compliance of section 17(2) of CNS Act, 2024 has made out by the prosecution.

7. Consequently, we find no merit in the present application. The application for post-arrest bail is hereby dismissed. However, keeping in view the sufficient period of incarceration, the Trial Court is directed to conclude the trial and record the evidence within a period of four (04) months from the date of receipt of this order. Should the trial fail to conclude within the stipulated timeframe, the applicant shall be at liberty to move a fresh bail application before the Trial Court, which shall be considered on its own merits.

8. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

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