

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. D-23 of 2026

Before:

*Mr. Justice Abdul Mobeen Lakho;
Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Waqar son of Shahmir Malik,
through Mr. Sahib Ali Malik, Advocate.

The State : Through Mr. Aitbar Ali Bullo,
D.P.G for State.

Date of Hearing : 13.04.2026
Date of Order : 13.04.2026.
Date of Reasons : 14.04.2026.

ORDER

Abdul Hamid Bhurgri J.- Through the instant Criminal Bail Application, the applicant Waqar son of Shahmir Malik seeks post-arrest bail in Crime No.18/2025, registered at Police Station Bhattai Colony, District Kashmore @ Kandhkot, for an offence punishable under Section 9(1) read with Section 3(c) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025, after dismissal of his post-arrest bail application by the learned Special Judge CNS/Sessions Judge, Kashmore @ Kandhkot, vide order dated 10.02.2026.

2. As per F.I.R., on 29.12.2025 at about 1300 hours, vide roznamcha entry No.08, complainant SIP Qamaruddin along with subordinate staff left the police station for patrolling. At about 1400 hours, near Bagan Wah, they allegedly noticed a person carrying a black shopper, who, upon seeing the police party, attempted to slip away but was apprehended. The accused disclosed his name as Waqar. The black shopper allegedly contained one slab of charas

weighing 1150 grams. Upon personal search, cash amounting to Rs.300/- was also recovered. The recovered contraband was sealed at the spot under mashirnama in the presence of mashirs PC Ashraf Ali and PC Aijaz Ahmed.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the alleged contraband has been foisted upon him; that no independent private mashir has been associated and both mashirs are police officials; that no video recording of the alleged recovery has been made; and that the applicant has no previous criminal record and is not a habitual offender. He submitted that these circumstances make out a case of 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.; that 1150 grams of charas has been recovered from his exclusive possession; that the recovered contraband was sealed at the spot; and that the offence falls within the prohibitory clause of Section 35 of the Act, thus disentitling the applicant to the concession of bail.

5. We have heard learned counsel for the parties and perused the material available on record. Prima facie, although the alleged quantity of contraband falls within the prohibitory clause, the prosecution case is yet to be tested through legally admissible evidence at trial. Admittedly, both mashirs are police officials and no independent witness from the locality has been associated with the alleged recovery, which aspect, though not by itself fatal, requires

cautious consideration at this stage. The applicant is in judicial custody and is no longer required for investigation. Moreover, there is nothing on record to suggest that the applicant is a previous convict or a habitual offender; rather, he appears to be a first offender. Furthermore, no material has been placed on record to indicate that the applicant is a flight risk or would tamper with the prosecution evidence if released on bail. In these circumstances, at this tentative stage, the matter calls for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025.

6. Accordingly, the instant bail application was allowed vide our short order dated 13.04.2026, whereby the applicant was admitted to post-arrest bail subject to his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Hundred Thousand only) with one solvent surety in the like amount to the satisfaction of the learned trial Court.

7. The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

8. These are reasons of our short order dated 13.04.2026.

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