

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. D-54 of 2026

Before:

*Mr. Justice Muhammad Hasan (Akber);
Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Kamran @ Wadhayo son of Mehmood Abro, through Mr. Ahmed Bux Abro, Advocate.
The State : Through Mr. Nazir Ahmed Bhangwar, D.P.G for State.
Date of Hearing : 29.04.2026
Date of Order : 29.04.2026.

ORDER

Abdul Hamid Bhurgri J.- Through the instant Criminal Bail Application, the applicant, Kamran @ Wadhayo son of Mehmood Abro, seeks post-arrest bail in Crime No.05 of 2026, registered at Police Station Dari, District Larkana, for an offence punishable under Section 9(1) 3(c) of the Sindh Control of Narcotic Substances Act, 2024 (Amendment 2025), after dismissal of his post-arrest bail application by the learned Sessions Judge/Special Judge for CNS Cases, Larkana, vide order dated 06.03.2026.

2. As per F.I.R, on 10.01.2026 at about 1800 hours, consequent upon spy information, the complainant/ASI Ashiq Hussain Detho, along with his staff, proceeded to Railway Go-downs near Nursery, where they allegedly saw and identified accused Kamran @ Wadhayo and Dodo Khan @ Dodo, each carrying black shoppers. Upon seeing the police party, both allegedly attempted to flee; however, one of them was apprehended with a shopper, whereas the other allegedly succeeded in escaping after throwing away his shopper. The arrested accused disclosed his name as Kamran @ Wadhayo, and on checking his shopper, the same was found containing one slab and two pieces of charas, weighing 1100 grams. The shopper allegedly thrown away by absconding accused Dodo Khan @ Dodo was also checked and found

containing two slabs of charas, weighing 1200 grams. Mashirnama of arrest and recovery was prepared in the presence of mashirs; the recovered property was separately sealed at the spot, and a video of the proceedings was also allegedly recorded. Thereafter, on the same day at 1900 hours, the instant F.I.R. was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in this case; that the alleged contraband has been foisted upon him; that no independent private mashir has been associated with the alleged recovery, as both mashirs are police officials; and that the applicant has no previous criminal record and is not a habitual offender. He submitted that the case of the applicant falls within the ambit 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 1100 grams of charas has been recovered from his exclusive possession; that the recovered contraband was sealed at the spot; and that the alleged offence falls within the prohibitory clause of Section 35 of the Act, thereby disentitling the applicant from the concession of bail.

5. We have heard learned counsel for the parties and have 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 during trial. Admittedly, both mashirs are police officials and no independent witness from the locality has been associated with the alleged recovery despite the fact that the police party allegedly had prior

information regarding the presence of the accused with contraband. Though non-association of private mashirs is not by itself fatal to the prosecution case, yet at this stage it calls for cautious consideration. Moreover, despite having prior information and being armed, the police party allegedly remained unsuccessful in apprehending both accused persons at the spot, and one accused is stated to have escaped after throwing away the contraband, which circumstance also requires deeper probe during trial. The applicant is in judicial custody and is no longer required for the purpose of investigation. Furthermore, nothing has been brought on record to show that the applicant is a previous convict or a habitual offender; rather, in the absence of any C.R.O or antecedents report, he appears to be a first offender. There is also no material available on record to suggest that, if released on bail, the applicant would abscond or tamper with the prosecution evidence.

7. In the foregoing circumstances, this Court is of the tentative view that the case of the applicant calls for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Accordingly, the instant bail application is allowed. The applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

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

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