

# THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

**Crl. Bail Application No. D-46 of 2026**

Applicant : Manzoor Ali @ Peeru @ Porho s/o Lal Muhammad  
Through Mr.Manzoor Ahmed Panhwar, Advocate

The State : Ms.Rameshan Oad, Deputy Prosecutor General, Sindh

Dates of hearing : **06.08.2026**

Date of short order: **06.08.2026**

Date of reasons : **.08.2026**

## **O R D E R**

**ABDUL MOBEEN LAKHO, J:-** Through this criminal bail application, applicant Manzoor Ali alias Peeru alias Porho seeks post-arrest bail in Crime No.21 of 2026, registered at Police Station Hali Road, Hyderabad, for an offence under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024. His earlier application for the same relief was dismissed by the learned Sessions/Special Judge (CNSA), Hyderabad, vide order dated 07.02.2026.

2. Briefly, the prosecution case is that on 24.01.2026, complainant SIP Mohsin Abrar Khanzada, accompanied by subordinate staff, was patrolling within the jurisdiction of Police Station Hali Road. At about 2100 hours, near Choori Factory Ground, Kalhora Goth, the police noticed the applicant carrying a black shopper. He allegedly attempted to escape but was apprehended. On checking the shopper, four pieces of Charas weighing 2030 grams were allegedly recovered. An amount of Rs.500/- was also secured during his personal search. In the absence of private persons, police officials were nominated as mashirs and the proceedings were allegedly recorded through a mobile phone.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated by the police on account of his earlier complaints against officials of the same police station. He submitted that, before registration of the present case, the applicant had approached the learned Justice of Peace seeking protection against harassment by Police Station Hali Road, whereupon, by order dated 04.12.2025, the SHO concerned was directed to provide him and his family protection in accordance with law. He further argued that the applicant was taken from his house and the alleged recovery was foisted upon him; that no private person was associated despite the alleged recovery from a public place; that authenticity of the alleged video is yet to be established and that the applicant has no previous criminal record and is no longer required for investigation.

4. Learned D.P.G. opposed the application and submitted that 2030 grams of Charas were recovered from the applicant's possession; the chemical report is positive; the arrest and recovery were video recorded in compliance with Section 17(2) of the Act and the offence falls within the prohibitory clause of Section 497(1), Cr.P.C.

5. We have heard learned counsel for the parties and perused the material available on record with their assistance.

6. The alleged offence under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024 carries imprisonment which may extend to fourteen years but shall not be less than nine years. Since the maximum prescribed punishment exceeds ten years, the offence falls within the prohibitory clause of Section 497(1), Cr.P.C. In case of **Jabran and another v. The State through Director General FIA and others (2025 SCMR 1099)**, the Honourable Supreme Court held that the maximum sentence prescribed for an offence is to be considered when determining whether it falls within the prohibitory clause. Nevertheless, bail may be granted where the material brings the case within further inquiry under Section 497(2), Cr.P.C.

7. The distinctive feature of the present case is that, prior to registration of the FIR, the applicant had approached the competent Court complaining of harassment by officials of the same police station. The order dated 04.12.2025, expressly directed the SHO, Police Station Hali Road, to provide protection to the applicant and his family. The present FIR was subsequently lodged by an officer of that police station on 24.01.2026. The earlier proceedings do not, by themselves, establish false implication; however, they provide *prima facie* support to the plea of mala fide and distinguish the matter from an ordinary case carrying a bare allegation of foisting. Whether the present prosecution is independent of or connected with, the earlier complaint can only be determined after recording evidence.

8. In case of **Zahid Sarfaraz Gill v. The State (2024 SCMR 934)**, the Honourable Supreme Court granted bail in a case involving 1833 grams of Charas where the accused asserted that the narcotics case was a counterblast to his earlier written complaint against police officials. The circumstances were held to make the matter one of further inquiry. The principle is attracted here because the applicant's allegation of prior police harassment is supported by judicial proceedings instituted before registration of the present FIR.

9. The prosecution relies upon video recording of the proceedings. Its authenticity, continuity and depiction of the applicant's apprehension and recovery are matters to be established through admissible evidence. At this stage, the mere availability of a USB does not conclusively answer the applicant's documented plea regarding his earlier dispute with officials of the same police station. The investigation has been completed and final challan submitted. The prosecution witnesses are police officials; therefore, no useful purpose would be served by keeping the applicant incarcerated for an indefinite period. In these circumstances, without undertaking a

deeper appreciation of evidence, we are satisfied that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

10. Consequently, this bail application is **allowed**. Applicant Manzoor Ali alias Peeru alias Porho shall be released on bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. The observations made herein are tentative and shall not influence the trial Court while deciding the case on merits.

12. The above are the reasons of our short order dated 06.08.2026.

**JUDGE**

**JUDGE**

AHSAN K. ABRO