

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-136 of 2026

Applicant : Imdad Panhwar s/o Ali Muhammad Panhwar
Through Mr.Zahoor Ahmed Baloch, Advocate

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

Dates of hearing : **06.08.2026**

Date of order : **06.08.2026**

ORDER

ABDUL MOBEEN LAKHO, J:- Through this criminal bail application, the applicant Imdad Panhwar seeks post-arrest bail in Crime No.135 of 2025, registered at Police Station Sakhi Pir, Hyderabad, for an offence punishable under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024. His earlier bail application was dismissed by the learned Sessions/Special Judge (CNSA), Hyderabad, vide order dated 15.04.2026.

2. Briefly, the prosecution case as set out in the FIR is that on 10.11.2025, complainant Inspector Rao Muhammad Javed, while conducting patrol duty along with police staff, allegedly apprehended the applicant near Hussaini Chowk, Tando Wali Muhammad, Hyderabad. A black shopper allegedly carried by the applicant was checked and four pieces of Charas weighing 2090 grams were recovered therefrom. An amount of Rs.1,000/- was also secured during personal search. The recovery proceedings were allegedly video-recorded and the case property was sealed at the spot, thereafter the present FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to political enmity. He

submitted that the alleged recovery was shown to have been effected from a thickly populated locality but no independent person was associated in the recovery proceedings. He further argued that there was delay in transmission of the case property to the Chemical Examiner and that the investigating officer failed to verify the actual place of arrest and recovery. It was also argued that the applicant has no previous criminal record and is no longer required for investigation.

4. Learned D.P.G., assisted by the investigating officer, opposed the bail application and submitted that 2090 grams of Charas were recovered from the applicant's possession. She further contended that the recovery proceedings were video-recorded in compliance with Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024, the chemical report supports the prosecution case and sufficient material is available to connect the applicant with the commission of the alleged offence.

5. We have heard learned counsel for the parties and have gone through the material available on record.

6. The alleged recovery from the applicant is 2090 grams of Charas and the offence falls under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024, carrying punishment extending up to fourteen years. Therefore, the offence falls within the prohibitory clause of Section 497(1), Cr.P.C. Nevertheless, even in offences falling within the prohibitory clause, bail may be granted where the facts make the matter one of further inquiry under Section 497(2), Cr.P.C.

7. Tentative assessment of the record reflects that the alleged recovery was shown to have been effected from a public place situated within a residential locality of Tando Wali Muhammad, yet no private mashir was associated. Although non-association of private witnesses is not by itself always fatal, the same remains a relevant circumstance at the bail stage where the entire prosecution case rests upon police witnesses. The challan

has already been submitted and the applicant is no longer required for investigation. In case of **Zahid Sarfaraz Gill v. The State (2024 SCMR 934)**, the Honourable Supreme Court held that where the prosecution case arises from a public-place recovery, rests solely upon police witnesses and circumstances creating doubt require deeper examination, the matter may fall within the ambit of further inquiry.

8. Having regard to the overall facts and circumstances of the case, the absence of independent witnesses at a public place and keeping in view the principle of further inquiry under Section 497(2), Cr.P.C., we are of the tentative view that the applicant has succeeded in making out a case for grant of bail.

9. Consequently, the instant bail application is **allowed**. Applicant Imdad Panhwar shall be released on bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. The observations made hereinabove are tentative in nature and shall not prejudice either side at the trial.

JUDGE

JUDGE

AHSAN K. ABRO