

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-229 of 2026

Applicant : Imran Ali son of Abdul Ghafoor Abro
Through Mr.Imtiaz Ali Channa, 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/accused Imran Ali seeks post-arrest bail in Crime No.21 of 2026, registered at Police Station Rukkan, District Dadu, for an offence punishable under Section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024. His earlier bail application was declined by the learned Sessions Judge/Competent Court (Narcotics), Dadu, vide order dated 11.05.2026.

2. Brief facts of the prosecution case, as reflected from the FIR, are that on 02.05.2026, complainant SIP/SHO Khalid Hussain Lakhair along with police staff was on routine patrol duty. Upon reaching near Lal Din Morr(curve), they allegedly noticed the applicant standing with a black shopping bag. On seeing the police party, he allegedly attempted to flee but was apprehended. The shopping bag was checked and found containing four pieces of Charas weighing 1020 grams in aggregate. Twenty grams were separated as sample for chemical examination and the remaining Charas was sealed separately. Mashirnama of arrest and recovery was

prepared at the spot and thereafter the present FIR was registered against the applicant.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide and influence of persons allegedly inimical towards him. He argued that the alleged recovery was effected from a public place but no private mashir was associated. He further submitted that the quantity allegedly recovered is 1020 grams, which only marginally exceeds the threshold of one kilogram. According to him, various procedural safeguards envisaged under Section 17 of the Sindh Control of Narcotic Substances Act, 2024 have not been satisfactorily demonstrated. He further argued that the investigation has substantially been completed, the applicant has no previous criminal record and his case falls within the ambit of further inquiry.

4. Learned Deputy Prosecutor General, assisted by the investigating officer, opposed the bail application and contended that the applicant was apprehended at the spot and 1020 grams of Charas was recovered from his possession. She submitted that the chemical report supports the prosecution case and that the proceedings were recorded in terms of Section 17 of the Sindh Control of Narcotic Substances Act, 2024. According to her, 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 with their assistance.

6. Tentative assessment of the record shows that the alleged recovery from the possession of the applicant is 1020 grams of Charas. The quantity attributed to the applicant exceeds the statutory benchmark of one kilogram by only twenty grams. Whether such marginal excess would ultimately attract the higher penal consequences under Section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024 and whether the

prosecution will successfully establish the precise recovered quantity through legally admissible evidence are matters which require determination at trial after recording evidence.

7. It is also noted that only twenty grams out of the alleged recovered substance were separated for chemical examination while the remaining bulk quantity was not examined by the Chemical Examiner. Though such aspect alone may not be sufficient for acquittal, yet at the bail stage it constitutes a circumstance requiring cautious consideration while assessing the prosecution case on a tentative basis. The evidentiary value of the alleged recovery, safe custody of case property, transmission of sample and chain of custody are matters which remain subject to proof during trial.

8. The record further reflects that the entire recovery proceedings have been witnessed by police officials only. No private mashir has been associated despite the alleged arrest and recovery having been made from a public place. At this stage, however, such aspect cannot be ignored altogether while evaluating whether reasonable grounds exist for believing that the applicant is guilty of the alleged offence. In **Muhammad Abid Hussain v. The State (2025 SCMR 721)**, the Honourable Supreme Court emphasized the significance of modern safeguards in narcotics cases and observed that where the prosecution evidence raises doubt regarding the transparency and reliability of the alleged recovery, the matter may call for further inquiry. The august Court also reiterated that liberty of a citizen should not be curtailed on the basis of evidence which is yet to be tested at trial.

9. The Honourable Supreme Court has consistently held that at bail stage only a tentative assessment of the available material is permissible and deeper appreciation of evidence is to be avoided. The purpose of bail proceedings is not to determine guilt or innocence finally but to assess whether sufficient grounds exist for continued incarceration pending trial.

10. It is further noteworthy that the applicant is stated to be a person having no previous criminal record and nothing has been brought on record showing that he is a habitual narcotics offender. The prosecution has also not pointed out any exceptional circumstance suggesting that in the event of release on bail the applicant is likely to abscond or tamper with prosecution evidence.

11. Keeping in view the marginal nature of the alleged excess quantity over the statutory threshold, the questions relating to compliance of procedural safeguards under the Sindh Control of Narcotic Substances Act, 2024, the absence of independent mashirs, the fact that the prosecution evidence is yet to be tested through cross-examination and applying the settled principle of further inquiry under Section 497(2), Cr.P.C., we are of the tentative view that the case of the applicant requires further probe. Therefore, without touching the merits of the case, the applicant has made out a case for grant of post-arrest bail.

12. Consequently, the instant bail application is **allowed**. The applicant/accused Imran Ali son of Abdul Ghafoor shall be released on bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

13. The observations made hereinabove are purely tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

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

JUDGE

JUDGE