ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Appl.No.3224 of 2026

Date	Order with signature of the Judge

Present:
Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Jawad Akber Sarwana.

Khan Bahadur ……..Vs. …….. The State

11.11.2026.

Mr. Umar Ilyas, Advocate for applicant
Mr. Muhammad Ali Noonari DPG a/w I.O. SIP Muhammad Kashif P.S. Sohrab Goth.

O R D E R

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MUHAMMAD IQBAL KALHORO J: Applicant was arrested on 17.05.2026 by a police team of P.S. Sohrab Goth, Karachi on spy information from river bank, Jannat Gul Town, Karachi and from him allegedly 525 grams of Charas was recovered, hence he was booked in FIR bearing Crime No.249/2026 U/s 9(1) 3(B) Sindh CNS Act, 2024.

2. The matter was investigated. I.O. in the Challan stated that apart from this, another FIR bearing Crime No.136/2018 was also registered against applicant without actually investigating the fact that he had already been acquitted in that case.

3. In the course of hearing of this bail application when learned defence counsel had questioned validity of USB containing recording of the incident and the fact that the trial court was not providing the same for defence, we had called a report from the trial court which in its report has given a bizarre reason for not supplying the same to the accused taking the view implying that USB is not a document. Since this issue is not before us, we would not dilate upon it any further. However, it is clear that the trial court has failed to appreciate right of the accused to have USB to defend himself, as provided in the concept of fair trial.

4. Be that as it may, learned defence counsel has pleaded for bail on the ground that offence does not fall within prohibitory clause u/s 497(1) Cr.P.C and the applicant is in jail without any progress in the trial. His arguments have been simply opposed by learned DPG. I.O. present, has failed to explain mention of previous criminal case in the challan despite acquittal of the applicant. It shows that he has simply endorsed the story mentioned in the FIR without actually investigating it, therefore, we refer his case to DIG East

Karachi to look into his credentials and determine whether he is fit to be retained as I.O. or not.

5. In view of above, we find the case against the applicant to be of further inquiry. Besides the investigation is over and offence does not fall within prohibitory clause u/s 497 Cr.P.C. Accordingly, this application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of the trail court.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Application is disposed of.

The copy of this order shall be sent to learned Sessions Judge, Malir for guidance.

JUDGE

JUDGE

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