

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Crl. Bail Application No. S-127 of 2025**  
*(Mehboob Ali Vs. The State)*

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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- 1. For Orders on office objection.
- 2. For Orders on MA No. 831/2025 (Ex./A)
- 3. For hearing of bail application.

**14-03-2025.**

Mr. Manzoor Hussain Mahesar, Advocate for the applicant.  
Syed Sardar Ali shah Rizvi, Addl: Prosecutor General.

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**ALI HAIDAR “ADA”, J.-.** The applicant seeks his post arrest bail in crime No. 50/2025, registered at Police Station “B” Section Khairpur for offence punishable under section 9(b) of Control of Narcotics Substance Act 1997, as his post arrest bail was declined by the Learned Ist Additional Sessions Judge/Special Judge for (CNS) Khairpur vide order dated 10-02-2025, which is impugned by the applicant by preferring the instant bail application.

2. The brief facts of the Prosecution Case as per FIR is that complainant ASI Irfan Khan lodged the FIR on 29-01-2025 alleging therein that on the said date he along with his subordinate staff during patrolling reached at Sui Gas curve, where he saw the applicant/accused was coming from Railway Station with black colour shopper bag, who on seeing the police party tried to escape his good, but due to his suspicious movement, the complainant party apprehended him and due to non-availability of private mashirs, the sub-ordinate staff were appointed as mashirs. During search the hemp/Bhang weighing 3000 grams lying in black colour shopper was recovered from his possession. Then such memo of arrest and recovery was prepared at the spot in presence of mashirs. Thereafter accused and case property were brought at police station, where complainant registered the FIR against the accused on behalf of the State.

3. The Learned Counsel for the applicant submits that applicant/accused is innocent and falsely been implicated in this case; that the property has been foisted upon him as some harsh words were

exchange between the parties and on such account the applicant is booked otherwise there is no any truthfulness is there; that no private person is associated by the police at the time of arrest as area is thickly populated and even there is delay of sending the sample to chemical examiner without any explanation, lastly he prays for grant of post arrest bail.

4. Learned Additional Prosecutor General supports the order of trial Court and further added that recovery is effected from physical possession the applicant; therefore he is not entitled for the concession of bail.

5. As per prosecution, the incident occurred at suigas curve close to the village Nizamani, the place of incident is densely populated as indicated by Memo of occurrence which notes the presence of Government press on western side of place of incident.

6. The FIR was registered on 29-1-2025, while the contraband sample was sent to the Chemical Examiner on 12-02-2025, resulting in a delay of 13 days without any explanation. In this regard, reliance is placed on the case of ***Ali Khan Vs The State (2022 PCr.LJ 690)***.

7. On the day when the FIR was registered the case was assigned to Investigation Officer who recorded confessional statement of accused/applicant on same day, however, he did not record the statement of witnesses on that day, instead he recorded their statement after delay of one day, in this aspect reliance is placed on the cases reported as ***2023 PCr.LJ Note 31 and 2021 YLR Note 119***.

8. In view of the foregoing reasons, the applicant has make out a case for grant of post arrest Bail. Accordingly, instant Bail application is allowed and applicant Mehboob Ali son of Qalandar Bux bycaste Korai is admitted to post arrest Bail subject to furnishing his solvent surety in the sum of Rs. 50,000/- and P.R Bond in the like amount to the satisfaction of Learned trial Court.

10. Needless to mention that the observation made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

**JUDGE**

Nasim/P.A