

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Cr. Bail Appln. No. S-510 of 2025

Applicant : Zubair Ahmed s/o Abdul Haque,
through M/s Safdar Ali G. Bhutto and
Mushtaque Ali Langah, advocates

The State : The State.
through Mr. Nazeer Ahmed Bhangwar,
D.P.G for the State a/w S.I.P Khawand
Bux, I.O of the case and S.I.P Abdul
Jabbar, complainant of the case.

Date of Hearing: 02-10-2025
Date of Order. 02-10-2025.

O R D E R

Shamsuddin Abbasi, J,- Through instant Criminal Bail Application, applicant/accused Zubair Ahmed Naseerani, seeks his admission to post-arrest-bail in Crime No.189/2025, for offence U/S 9(i)3-C, Sindh Control of Narcotic Substances Act, 2024, registered with Police Station A-Section Kandhkot, after rejection of his bail plea by the learned I-Additional Sessions Judge(MCTC)/Special Judge for C.N.S. Cases, Kandhkot vide order dated 30.08.2025.

2. According to the brief facts mentioned in the F.I.R registered by S.I.P Abdul Jabbar Golo on 30.07.2025 are that the applicant/accused was apprehended at about 1800 hours near Gird Station, Kandhkot and from his possession 2100 grams of charas, allegedly concealed in a black shopping bag, was recovered, hence this F.I.R was registered.

3. Learned counsel for the applicant contended that the alleged recovery was falsely foisted upon the applicant. It was submitted that the entire prosecution case rests solely upon the testimony of police officials, with no independent witness or corroborative evidence. Despite the alleged incident having occurred in a densely populated area, no private mashir was associated. Furthermore, no

videographic or technological evidence has been produced to substantiate the recovery. He has, therefore, prayed for the grant of post-arrest bail.

4. On the other hand, the learned Deputy Prosecutor General has opposed for grant of the bail arguing that the name of applicant is transpired in the FIR and a considerable contraband was recovered from his exclusive possession and, therefore, he is not entitled for concession of bail.

5. I have heard the counsel for the applicant, learned D.P.G. and have gone through the material available on the record.

6. A tentative assessment of the material available on the record reflects that the alleged recovery falls under Section 9(1)-3(c) of Sindh Control of Narcotics Substance, Act, 2024, which carries imprisonment which may extend to fourteen years but shall not be less than nine years and it is settled law that at bail stage lesser punishment is to be considered. At this point, I rely upon the case laws reported as 2006 YLR 3167 and 2020 P.Cr.L.J 1221.

7. The alleged recovery was effected from thickly populated area, however, no independent witness was associated with the recovery proceedings, despite the site being one regularly frequented by members of the general public. The non-association of private mashirs in such circumstances undermines the credibility of the prosecution case. It is now well settled principle that where the prosecution's case hinges entirely on police testimony, uncorroborated by natural witnesses, the benefit of doubt is to be extended at the bail stage. Reliance is placed on **2022 SCMR 1555, Muhammad Arshad v. the State.**

8. Sufficient grounds are available, which make out the case of applicant for grant of post-arrest bail.

9. Accordingly, instant criminal bail application is allowed. The applicant is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred

Thousand only) and P.R bond in the like amount to the satisfaction of learned trial Court.

10. Needless to mention here that observations made herein above are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

11. Needless to state, the observations hereinabove are tentative in nature and shall not prejudice the trial court in his adjudication of the matter on merits.

Judge

Abdul Salam/P.A