

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Cr. Bail Application No.D-70 of 2026

Date	Order with signature of Judge
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PRESENT:

**Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',**

1. For orders on office objection.
2. For hearing of Bail Application.

Applicant : Javed Metlo,
through Mr. Habibullah G. Ghouri, Advocate.

The State : Through Mr. Nazeer Ahmed Bhangwar, Deputy
Prosecutor General.

Date of hearing : 10.06.2026.

Date of order : 10.06.2026.

ORDER

Riazat Ali Sahar, J.- Applicant Javed son of Hussain Bux Metlo seeks post arrest bail in Crime No.30 of 2026 registered at P.S Naudero, District Larkana, for offence under Section 9-1(3)(c) of Sindh CNS Amendment Act, 2025, after dismissal of his post arrest bail application by the learned Sessions Judge/Special Judge for CNS Cases, Larkana vide order dated 31.03.2026.

2. According to the case of prosecution, on 05.03.2026, at about 11.30 p.m., on link road leading from Sukkur road to Ratodero, ASI Ali Hassan Jatoi of PS Naudero along with his staff, being on patrolling, apprehended the applicant on a tip-off and recovered charas in shape of two patties weighing 500 grams each and a small piece weighing 200 grams, total 1200 grams Charas; such mashirnama attested by mashirs HC Mashooque and HC Ghulam Qadir was prepared and after

completing other formalities at the spot, the accused and the recovered charas were taken to police station, where FIR was registered on behalf of the State.

3. Heard learned Counsel for the applicant, learned DPG for the State and perused the record.

4. Learned Counsel for the applicant argued that the applicant has been falsely implicated in this case by the police; that the charas has been foisted upon him; that despite information coupled with the place of alleged recovery being a busy area, no independent person was picked by the police to attest the recovery proceedings; that neither photographs nor video recording of the seizure and arrest were made, therefore, such aspect of the case comes within the scope of further inquiry; that the case has been challaned and the applicant is not required to police for any further investigation. In support of his contentions, he learned Counsel placed reliance on the case reported as *Zahid Sarfaraz Gill v. The State (2024 SCMR 934)*.

5. On the other hand, Learned DPG opposed the bail application, on the ground that the applicant was apprehended red-handed being in possession of 1200 grams charas and no *mala fide* on the part of the police has been shown to indicate that the alleged recovery has been foisted upon the applicant.

6. This case involves the recovery of 1200 grams of charas allegedly made from the applicant on 05.03.2026. The police failed to make video recordings/take photographs of the search, seizure and arrest, as observed by the Hon'ble Supreme Court in the reported case of *Zahid Sarfaraz Gill* (supra) relied upon by learned Counsel for the applicant. The alleged recovery was made at daytime and the place of recovery is also said to be busy area, even then no private person was picked to witness and attest the alleged recovery proceedings. The alleged offence carries punishment with imprisonment up-to fourteen years and not less than nine years for possessing, importing, or exporting and trafficking 'charas' in contravention of Sections 6, 7 and 8 of the Act, for more than 1000

grams and up-to 4999 grams in quantity. It is settled principle of law that at bail stage lesser punishment is to be considered. The quantum of punishment could only be decided by the trial Court after recording pro and contra evidence at trial. No previous record showing involvement of the applicant in any crime of the like nature has been placed. In such circumstances, the case against the applicant in my humble view calls for further enquiry, as contemplated by Section 51 (2) of the Act, read with Section 497(2), Cr.P.C.

7. For the foregoing reasons, instant bail application is allowed. Applicant Javed Metlo shall be released on bail subject to furnishing her 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.

8. The above observations are tentative in nature, which shall not prejudice the trial of the case in any manner.

JUDGE

JUDGE