

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

1st Cr. Bail Application No.D-52 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 : Hafeezullah Naseerani,
through Mr. Safdar Ali G. Bhutto, 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 Hafeezullah son of Azizullah, by caste Naseerani, seeks post arrest bail in Crime No.49 of 2026 registered at P.S A-Section, Kandhkot, District Kashmore at Kandhkot, 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 Special Judge CNS/Sessions Judge, Kashmore at Kandhkot vide order dated 18.03.2026.

2. According to the case of prosecution, on 18.02.2026, at about 1.00 a.m., at Godowns Street situated on the road leading Ghanta Ghar to Grid Station, Kandhkot town, SIP Rukan Din Choliyani of PS A-Section, Kandhkot and his staff, being on patrolling, apprehended the applicant and co-accused Umed Ali and recovered charas weighing 1150 grams. Hence, such 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 the recovery proceedings are not shown to have been witnessed or attested by any independent person; 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 1150 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. The recovery in this case is shown to be of 1150 grams of charas allegedly made from the applicant on 18.02.2026; which is alleged to have been made at the odd hours of night i.e. at 0100 hours. 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 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

Qazi Tahir PA/*