

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

1st Cr. Bail Application No.D-32 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 : Mst. Farzana Korai,
through Mr. Kamran Ahmed Gorar, 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 Mst. Farzana wife of Ashique Hussain Korai seeks post arrest bail in Crime No.07 of 2026 registered at P.S Darri, Larkana, for offence under Section 9(i)(3)(c) of CNS Sindh 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 18.02.2026.

2. According to the case of prosecution, on 10.01.2026, at about 8.30 p.m., at Baqapur Road near Veterinary Hospital, Larkana, a police of party of Darri Police Station Larkana under the supervision of complainant SIP Ashique Ali Channa, on a tip-off, apprehended the applicant being in possession of 2050 grams Charas and co-accused Mst.Nazia with 150 grams of Ice, while another co-accused namely Nadeem throwing 2000 grams charas at the spot made his escape good. 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 against her; that despite advance information coupled with the place of alleged recovery being a busy area, no independent person was picked or associated by the police to attest the alleged recovery; 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 and lastly co-accused Mst. Nazia, who was alleged apprehended along with the applicant and from whom recovery of Ice was allegedly made, has been granted bail by the trial Court in separately registered FIR vide Crime No.06/2026. In support of his contentions, he learned Counsel placed reliance on the reported case of *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 2050 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 2050 grams of charas allegedly made from the applicant on 10.01.2026. 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. Despite information received in advance while sitting at the police station, the complainant failed to associate private person(s) to witness and attest the alleged recovery proceedings. The lady applicant is in jail since the date of her arrest. Section 9(1) of the Act provides 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. Co-accused Mst. Nazia, who was apprehended along with the applicant and 150 grams Ice was recovered from her, has been granted post arrest bail by the trial Court vide order dated 28.01.2026. Similarly, another co-accused Nadeem, who escaped from the spot while throwing 2000 grams of charas, has been admitted to pre-arrest bail by the trial Court vide order dated 03.03.2026. Copies of both orders have been placed on record. 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 Mst. Farzana Korai shall be released on bail subject to furnishing her solvent surety in the sum of Rs.200,000/- (Rupees two 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