

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Applications No.D-107 of 2026

Applicant: Muhammad Ibrahim through Mr. Inam Ali Khuhro, Advocate along with Mr. Ali Asghar Bhand, Advocate.

Respondent: The State through Ms. Rameshan Oad, D.P.G. Sindh.

Date of hearing: 25.08.2026.

Date of order: 25.08.2026.

ORDER

RIAZAT ALI SAHAR, J: - The applicant/accused Muhammad Ibrahim son of Abdul Qadir seeks post-arrest bail in Crime No.69 of 2026, registered at Police Station Hatri, Hyderabad, under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his post-arrest bail application by the learned Sessions/Special Judge, CNSA, Hyderabad, vide order dated 25.03.2026.

2. Briefly, the prosecution case is that on 14.03.2026 at about 0700 hours, a police party headed by SIP, while on routine patrol near Link Road, Village Darya Khan Mughal, allegedly apprehended the applicant carrying a black-coloured shopper. On checking the shopper, four large slabs/pieces of charas were allegedly recovered, which were jointly weighed and found to be 2008 grams. The alleged narcotic substance was sealed, the proceedings were stated to have been video-recorded and a mashirnama of arrest and recovery was prepared on the front seat of the official vehicle in the presence of police officials.

3. Learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated due to *mala fide* and personal animosity at the instance of one Asghar Malak, a police official posted at Special Branch, Hyderabad. He contended that, contrary to the prosecution version, the applicant was taken into custody from his residence at Malak Nagar, Hala Naka, Hyderabad and that his cell phone, cash and motorcycle were also taken into possession. According to learned counsel, CCTV footage available with the applicant demonstrates that he was taken away from his house empty-handed and

a USB containing such footage has also been produced. He further contended that the applicant had been unlawfully arrested and thereafter the alleged narcotic substance was foisted upon him at the police station. Learned counsel pointed out that the alleged place of recovery is a populated locality, yet no independent person was associated as mashir, while all the witnesses cited by the prosecution are police officials. He further questioned the manner of weighing the alleged four slabs of charas, as their individual weights have not been mentioned. He further contended that the prosecution case itself contains the assertion that the proceedings were video-recorded whereas the he claims that the relevant CCTV footage produced by the applicant has not been properly investigated or made part of the prosecution material. Learned counsel contended that these conflicting versions, coupled with the alleged CCTV evidence and absence of independent corroboration, make the case one of further inquiry under Section 497(2), Cr.P.C. He lastly contended that the applicant is in custody and the case does not require his further detention for investigation. He, therefore, prayed for grant of bail.

4. Learned Deputy Prosecutor General, Sindh, opposed the bail application and supported the impugned order. She contended that the applicant was apprehended by the police while carrying the black-coloured shopper and a substantial quantity of 2008 grams of charas was recovered from his possession. She contended that the recovery constitutes sufficient incriminating material connecting the applicant with the alleged offence. According to learned D.P.G., the pleas of false implication, alleged prior arrest from the residence, CCTV footage, non-association of private witnesses and manner of recovery are matters requiring deeper appreciation of evidence, which cannot be undertaken at the bail stage. She, therefore, prayed for dismissal of the bail application.

5. We have heard learned counsel for the applicant/accused and learned Deputy Prosecutor General, Sindh and have examined the available material with their assistance.

6. At the bail stage, the Court is required to make only a tentative assessment of the material available on record and is not expected to undertake deeper appreciation of evidence or record findings which may prejudice the trial. The prosecution case rests primarily upon the alleged recovery of 2008 grams of charas from a black-coloured

shopper allegedly carried by the applicant. The defence, however, has taken a specific and consistent plea that the applicant was not apprehended from the alleged place of recovery but was picked up from his residence and subsequently shown to have been arrested in the manner narrated in the FIR. Significantly, the applicant has relied upon CCTV footage in support of such plea and has asserted that the same was produced before the Investigating Officer. At this stage, we are not required to determine the genuineness, admissibility or ultimate evidentiary value of the said footage. Nevertheless, where the defence version is supported by a specific piece of electronic evidence which is capable of being tested during trial, the same cannot altogether be ignored in making a tentative assessment of the prosecution case.

7. We have further noticed that, according to the prosecution itself, the alleged recovery proceedings were conducted in the presence of police officials, whereas no private person was associated as mashir. We are conscious that the evidence of police officials cannot be discarded merely because of their official status; nevertheless, in the peculiar circumstances of the present case, the absence of independent corroboration assumes some significance when considered together with the applicant's plea that he was actually arrested from his residence and that persons present there witnessed such arrest. The defence has also questioned the manner in which the alleged narcotic substance was weighed. Four slabs/pieces are stated to have collectively weighed 2008 grams, but their individual weights and the precise manner of weighing have not been specified. Whether these circumstances ultimately affect the prosecution case is a matter for determination by the learned Trial Court after recording evidence.

8. Furthermore, the prosecution has claimed that the arrest and recovery proceedings were video-recorded; however, the applicant relies upon separate CCTV footage allegedly showing the applicant being taken away from his residence. We do not express any final opinion regarding either recording. However, the existence, preservation, production and evidentiary value of such electronic material are matters which can appropriately be examined during trial. The conflicting versions regarding the place and manner of arrest, the alleged CCTV material, non-association of private mashirs and the manner of weighing the alleged recovered substance, when considered cumulatively, create circumstances requiring further inquiry. We are mindful that the alleged

recovery of 2008 grams of charas is a serious allegation. Nevertheless, at this stage the Court is not to determine the guilt or innocence of the applicant finally. The question is whether the available material furnishes reasonable grounds for believing his guilt or whether the circumstances bring the case within the ambit of further inquiry contemplated by Section 497(2), Cr.P.C. In our view, the applicant has succeeded in bringing his case within the scope of further inquiry. The disputed questions relating to his actual place of arrest, the alleged CCTV footage, manner of recovery and weighing of the narcotic substance shall be determined by the learned Trial Court on the basis of evidence.

9. For what has been discussed above, the instant bail application is **allowed**. The applicant/accused Muhammad Ibrahim son of Abdul Qadir is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) to the satisfaction of the learned Trial Court.

10. It is clarified that the observations made herein are purely tentative in nature and shall not prejudice the case of either side at trial.

11. These are the reasons for our short order dated 25.08.2026, whereby the applicant/accused was admitted to post-arrest bail.

JUDGE

JUDGE

Abdullah Channa/PS