

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.S-355 of 2025

Applicant: Abdul Majeed through
Mr. Deewan Dhanraj, Advocate

Respondent: State through Mr.Zulfiqar Ali Jatoi,
APG

Date of hearing: **19.05.2025**

Dated of order: **19.05.2025**

ORDER

Zulfiqar Ali Sangi, J.- Applicant/accused Abdul Majeed son of Pir Bux, by caste Hulio, seeks his post-arrest bail in FIR No.100/2025, registered at Police Station Moro, under Section 9(1)3.(c) of the Control of Narcotic Substance, Act, 1997. His earlier bail application was declined by the learned Special Judge for CNS/Sessions Judge, Naushahro Feroze, vide order dated 21-04-2025.

2. The allegation against the present applicant is that he was apprehended by a police party of Police Station Moro, headed by ASI Murtaza Dangraj and 3000 grams of Charas was recovered from his possession, for which the present case was registered.

3. Learned counsel for the applicant has contended that the instant FIR has been registered with mala fide intention and ulterior motives, in order to falsely implicate the applicant in a fabricated case and the alleged recovery of 3000 grams of charas has been foisted upon the applicant. In support of his contention, learned counsel has filed certain documents which demonstrating previous enmity of Mujeeb Rehman Narejo, the then Station House Officer (SHO) of Police Station Moro. It has been contended that during his earlier posting at the said Police Station in the year 2024, the aforementioned SHO,

being annoyed with the applicant, had unlawfully detained him, for which an application under Section 491 Cr.P.C was moved before the competent forum and on raid, the recovery of the detenue was secured and the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Moro was pleased to impose a cost of Rs.100,000/- against the said SHO, observing clear misuse of authority and the said order was subsequently maintained by this Court. Learned counsel has further contended that after the recent posting of the same SHO at Police Station Moro, he has, in continuation of his vindictive attitude, maneuvered the present case with malice. Learned Counsel lastly prayed for allowing the bail application.

4. Conversely, the learned Additional Prosecutor General has opposed the grant of bail, contending that the applicant is specifically named in the FIR with the recovery of 3000 grams of charas from his possession. It is further argued that, as the offence is one against society at large, the applicant is not entitled to the concession of bail.

5. I have heard learned counsel for the applicant, learned APG for the state and have gone through the material available on record with their able assistance.

6. Upon perusal of the record, it appears that there exists an old enmity between SHO Mujeeb-ur-Rehman Narejo and the present applicant. In this context, it has been observed that CrI. Misc. Application No.151/2024 was filed in the year 2024, wherein the present applicant was shown as a detenu and was subsequently recovered pursuant to a raid. Thereafter, vide order dated 28.03.2024, the learned Additional Sessions Judge, Moro, imposed costs upon the said SHO. The said order was challenged before this Court through Criminal Revision No.S-33 of 2024, which was dismissed, thereby

maintaining the order of penalty. Further perusal of the said order reflects that certain directions were issued by this Court against the said SHO. It is pertinent to note that at the time of registration of the present FIR, the same SHO is posted at the concerned Police Station. Therefore, there exists a reasonable presumption that the present FIR has been registered with mala fide intention to give satisfaction to an old enmity.

7. In view of the foregoing circumstances, the case requires further inquiry as contemplated under Section 497(2) Cr.P.C, thereby entitling the applicant to the concession of bail. Accordingly, the instant Bail Application is allowed. The applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (One lac) and a personal bond in the like amount to the satisfaction of the learned trial Court.

8. Observations made herein above are tentative in nature and will not cause any prejudice to either party at the trial.

9. Instant Criminal Bail Application is **disposed of** in the above terms.

JUDGE