

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

CP No. D- 390 of 2025
[Muhammad Ramzan @ Ramoon v. The State & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Yousuf Ali Sayeed

Petitioner : Through Mr. Ayaz Ali Jokhio, Advocate

The State : Mr. Ayaz Ali Rajpar, Assistant A.G. Sindh &
Mr. Ghulam Abbas Dalwani, D.P.G.

Date of Hearing
& Decision : 02.07.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- The petitioner Muhammad Ramzan @ Ramoon faces charges in Crime No. 12 of 2025 registered at Police Station Talhi, District Umerkot under Section 9(i)(3)(a) of the Sindh Control of Narcotic Substances Act, 2024, for allegedly selling 250 grams of charas recovered upon arrest. Following registration of above FIR, the petitioner was remanded to judicial custody. Keeping in view this Court's order dated April 22, 2025, in C.P. No. D-937 of 2025, which clarifies that Sessions Courts lack jurisdiction for bail applications under Section 35 of the SCNS Act, 2024, the petitioner has no alternative but to invoke this Honourable Court's extraordinary constitutional jurisdiction under Article 199 of the Constitution of Pakistan, 1973.

2. Learned counsel argued that the petitioner is innocent and has been falsely implicated in this case with *mala fide* intentions; no independent evidence supports the prosecution allegation of openly selling 250 grams of charas in public, hence it is highly improbable and concocted, raising serious doubts. No independent or public witnesses (mashirs) were present during the alleged recovery; only subordinate official witnesses were cited, casting serious doubt on its authenticity and credibility; The FIR is delayed by an hour without any plausible explanation, suggesting collaboration. The petitioner has deep roots in society, is an activist, and undertakes not to tamper with evidence or influence witnesses. Continuous detention of Petitioner is an abuse of legal

process, driven by extraneous motives and political victimization, violating fundamental rights under Articles 4, 9, 10-A of the Constitution. The alleged recovery and arrest do not fulfill the mandatory requirements of the Control of Narcotic Substances Act, 1997, rendering the prosecution's case weak. Police personnel acting as marshals for recovery and arrest violate Section 103 Cr.P.C and Sections 21 and 22 of the Narcotics Act. The petitioner has been in jail since his arrest and is no longer required for further investigations. The case appears to be one of further inquiry under Section 497(2) Cr.P.C., as the substance was allegedly foisted upon the petitioner. He lastly argued that the petitioner is entitled to post-arrest bail on merits and in the interest of justice.

3. Learned APG has not objected to the grant of bail to the petitioner.

4. Heard learned counsel for the parties and perused the record with their assistance.

5. The core defence of the petitioner rests on several critical points: the improbable nature of prosecution's story, the absence of independent witnesses during the alleged recovery, and the fact that no contraband was found on the petitioner's person, all of which necessitate further investigation. Adding to these concerns and violation of Section 103 CrPC, which *prima facie* undermine the prosecution's credibility. Keeping in view the meager quantity of narcotics recovered, which carries sentence of less than five years, and the prosecution's failure to record video of recovery as mandated by the Act 2024, this Constitutional Petition for bail application has force. These are the reasons for our short order of even date, by which the bail application was allowed and the petitioner was granted post-arrest bail in Crime No. 12 of 2025 registered at Police Station Talhi District Umerkot, subject to his furnishing solvent surety in the sum of Rs. 5,0000/- [Fifty Thousand only] and PR Bond in the like amount to the satisfaction of the Trial Court.

6. The observations made hereinabove are tentative and ought not to influence the case or the trial.

Disposed of.

JUDGE

JUDGE