

ORDER SHEET  
**HIGH COURT OF SINDH CIRCUIT COURT,  
HYDERABAD**

**CP. No. D- 962 of 2025**

[ Atta Muhammad v. Province of Sindh & others ]

**BEFORE:**

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Yousuf Ali Sayeed

Petitioner : Through Mr. Abdul Hafeez Daudani, Advocate

Respondent : Through Mr. Muhammad Ismail Bhutto, Addl. A.G. &  
Mr. Siraj Ahmed Bijarani A.P.G

Date of hearing  
& Decision: 08.07.2025

**ORDER**

**ADNAN-UL-KARIM MEMON J:-** Petitioner Atta Muhammad has filed this Constitutional Petition seeking pre-arrest bail in FIR No. 54 of 2025 registered at Police Station Shaikh Bhirkio under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024.

2. While patrolling, Complainant SIP Muhammad Younis Sahito received a tip that the petitioner and co-accused Abdul Khalique @ Khalu Qureshi were selling charas on Shaikh Bhirkio Tando Muhammad Khan road. The complainant reached the pointed place and arrested the co-accused, recovering 550 grams of charas, six 100-rupee notes, and an ITEL keypad mobile phone. The petitioner fled, discarding a black shopper bag which upon inspection also contained 560 grams of charas. The recovered charas was sealed, a video of the arrested accused was recorded and an FIR was subsequently registered.

3. Learned counsel argued that the petitioner is innocent and has been falsely implicated by the police with *mala fide* intention; that there is no private mashir despite the place of incident being densely populated area, emphasizing that the case relies solely on the statements of interested police officials; that a meager quantity of contraband was foisted upon the petitioner. He prayed for confirmation of pre-arrest bail already granted to him vide order dated 29.5.2025.

4. Learned A.P.G has objected to the grant of bail to the petitioner on the ground that he was arrested at spot and charas was recovered from his possession; that petitioner has failed to show any enmity and / or malafide on the part of police. Learned Additional A.G. adopted the arguments of learned A.P.G. However, they both conceded that there is no previous criminal record of the petitioner.

5. Heard learned counsel for the parties and perused the record with their assistance and the case law cited at the bar.

6. The petitioner was not arrested at the spot and his name was allegedly inserted by the police in the FIR; therefore, the possibility of *mala fide* intention of police cannot be ruled out at this stage under Section 498 Cr.P.C. Besides the improbable nature of prosecution story, the absence of petitioner from the scene of offence; the meagre quantity of narcotics alleged against the principal accused, the punishment of alleged recovery is less than five years. This Constitutional Petition for pre-arrest bail application has force, hence for these reasons we by our short order of even date, confirmed the bail of the petitioner on the same terms and condition as granted to him vide order dated 29.5.2025.

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

Disposed of.

J U D G E

J U D G E