

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Bail Application No.D-13 of 2025

Present:

Mr. Justice Shamsuddin Abbasi,
Mr. Justice Muhammad Hasan (Akber).

Applicant: Ali Sher S/o Muhammad Saleh Mehar,
Through Mr. Shamsuddin Rajper, Advocate.

Respondent: The State.
Through Mr. Dhani Bakhsh Mari, Assistant P.G.

Date of hearing: 27.10.2025

Date of Order: 27.10.2025

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ORDER

SHAMSUDDIN ABBASI, J.:- Through this Bail Application, the applicant/accused seeks post-arrest bail in FIR No.25/2025 registered under Section 9(i), 3-C (SCNS Act, 2024) of PS Nauabad, after his bail plea has been declined by the learned Additional Sessions Judge-I/MCTC, Spl. Case Narcotics Substance Act, Tando Adam vide order dated 13.09.2025.

2. The brief facts of the prosecution case are that on 14.07.2025, ASI Ghulam Mustafa of PS Nauabad registered FIR on behalf of the State stating therein that he was on patrolling alongwith his subordinate staff and he arrested the applicant at the scene of recovery and recovered charas alongwith knife and cash of Rs.100/-. Thereafter he sealed the case property at the scene of incident and brought the applicant alongwith case property and registered the FIR on behalf of the State.

3. Learned counsel for the applicant contends that the applicant is innocent and falsely implicated in this case; that no independent mashir witnessed the recovery and the alleged 2000 grams of charas was

foisted upon him. He submits that no video or photographic evidence was produced. He lastly prayed for grant of bail. In support of his contentions, he relied upon the case laws viz: 2025 MLD 128 [Sindh (Larkana Bench)] and 2024 SCMR 934 [Supreme Court of Pakistan].

4. Learned A.P.G opposed the grant of bail on the ground that the applicant was apprehended at the spot in possession of 2000 grams of charas, recovered in the presence of mashirs, and the Chemical Examiner's report has confirmed the substance to be charas. He further submits that the applicant is a habitual offender, having been involved in six other cases, out of which he was convicted in three cases. Lastly, he prayed for dismissal of the bail application.

5. Heard learned counsel for the applicant, learned Assistant P.G and perused the material available on the record.

6. From the tentative assessment of the material available on record, it appears that the applicant was apprehended alongwith 2000 grams of charas in presence of mashirs and report of chemical examiner is positive. Learned A.P.G submits that the applicant is involved in six other like nature cases and out of them, the applicant is convicted in three cases. It appears that the applicant is habitual criminal and was convicted in three cases.

7. From the tentative assessment and material available on record, it appears that sufficient material is available on record to connect the applicant/accused with the commission of offence which comes within the ambit of prohibitory clause of section 497 Cr.P.C.

8. In view of the foregoing, learned counsel for the applicant/accused has failed to make out a case warranting the grant of bail. Accordingly, the instant bail application filed on behalf of the

applicant/accused is **dismissed**. However, learned trial court is directed to conclude the trial preferably within 03 months. The case laws cited by the counsel for the applicant are on different footings. It is well settled principle of law that every case has to decide on its own merits.

9. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

JUDGE

JUDGE

Faisal