

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Bail Application No. D-22 of 2026

Before;

*Mr. Justice Abdul Mobeen Lakho;
Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Rasheed Ahmed son of Baloo Shaikh,
through Mr. Abdul Rehman Bhutto,
Advocate.

The State : Through Mr. Aitbar Ali Bullo,
D.P.G for State.

Date of Hearing : 01.04.2026
Date of Order : 01.04.2026.

ORDER

Abdul Hamid Bhurgri J.- The applicant, Rasheed Ahmed son of Baloo Shaikh, seeks post-arrest bail in Crime No.01/2026, registered at Police Station Guddu, District Kashmore @ Kandhkot, for an offence punishable under Section 9(i) read with Section 3(b) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his post-arrest bail application by the learned Sessions/Special Judge CNS, Kashmore @ Kandhkot, vide order dated 21.01.2026.

2. As per F.I.R., on 04.01.2026 at about 1500 hours, complainant SIP Wahid Bux Jakhrani along with subordinate staff left the police station for patrolling. At about 1600 hours, near Zahir Peer Bridge, they started checking vehicles. At about 1630 hours, a person carrying a black shopper was seen coming from the northern side, who, upon noticing the police party, allegedly attempted to retreat but was apprehended along with the shopper. The complainant associated HC Manzoor Ahmed and PC Shahid Hussain as mashirs. The accused disclosed his name as Rasheed Ahmed. Upon checking, the shopper was found to contain charas, which on weighing came to 510 grams. His personal search allegedly led to recovery of cash amounting to

Rs.500/-. The case property was sealed at the spot and mashirnama was prepared. F.I.R. was lodged on the same day at 1730 hours.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated. It is argued that no independent private mashir was associated despite the alleged recovery having been effected at a public place in broad daylight. He further submitted that the applicant is a resident of Taluka Sadiqabad, District Rahim Yar Khan, where he was earlier arrested in another case and subsequently discharged by the competent Magistrate, and thereafter his custody was allegedly handed over to police of P.S. Guddu, who foisted the present case upon him. It is further contended that no video or other corroborative evidence of recovery has been produced; that the applicant has no previous criminal record; and that the case calls for further inquiry.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R.; that 510 grams of charas was recovered from his exclusive possession; and that the recovered contraband was duly sealed at the spot, thus disentitling the applicant from concession of bail.

5. We have heard learned counsel for the parties and perused the material available on record. Prima facie, the alleged recovery from the applicant is 510 grams of charas, which carries punishment that may extend to nine years but shall not be less than five years. It is settled law that at the bail stage, the lesser sentence is to be taken into consideration; thus, the case of the applicant does not fall within the

prohibitory clause. It is also noteworthy that the alleged recovery was effected at about 1630 hours at a public place, yet no independent private witness was associated, and the mashirs cited are police officials. Although non-association of private witnesses is not by itself fatal, however, at this tentative stage, it does create a circumstance which requires deeper appreciation at trial. Further, the applicant is stated to have no previous criminal record and is not shown to be a habitual offender. He is in judicial custody, investigation has been completed, and he is no longer required for further investigation. Moreover, nothing has been brought on record to suggest that the applicant is a flight risk or that, if released on bail, he would abscond or tamper with the prosecution evidence. The other contentions raised by learned counsel, including the plea regarding prior custody and alleged foisting of the case, entail deeper appreciation of evidence, which can only be undertaken at the time of trial.

6. In the circumstances, the case of the applicant calls for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Accordingly, the bail application is allowed and the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

7. These observations are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

J U D G E