

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Bail Appln. No.D-106 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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PRESENT:
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider'Ada',

13.08.2026.

Mr. Mazher Ali Bhutto, advocate for the applicant.
Mr. Aitbar Ali Bullo, D.P.G.

ORDER

Riazat Ali Sahar, J.- Applicant Fida Hussain son of Mohbat Shahani seeks post arrest bail in Crime No.14 of 2026 registered at PS Rasheed Waggan, District Larkana, for offence under Section 9-1(3)(c) of Sindh CNS Amendment Act, 2025, after dismissal of his post arrest bail application by the learned Sessions Judge/Special Judge for CNS Cases, Larkana vide order dated 22.05.2026.

2. Concisely facts leading to instnat bail application, as depicted in the FIR are that on 06.05.2026 complainant ASI Gada Hussain lodged the FIR on behalf of the State stating therein that on the above date he arrested the applicant/accused Fida Husdsain from Rasheed Waggan-Nasirabad Main Road at 2230 hours and recovered 1050 grams of Charas from his possession in presence of mashirs and after preparaion of mashirnama and completing formalities accused was brought at PS where complainant lodged the present FIR.

3 Heard learned Counsel for the applicant, learned DPG for the State and perused the record.

4. Learned Counsel for the applicant argued that the applicant has been falsely implicated in this case by the police; that the charas has

been foisted upon him; that despite information coupled with the place of alleged recovery being a busy area, no independent person was picked by the police to attest the recovery proceedings; that neither photographs nor video recording of the seizure and arrest were made, therefore, such aspect of the case comes within the scope of further inquiry; that the case has been challaned and the applicant is not required to police for any further investigation. In support of his contentions, the learned Counsel placed reliance on the case reported as *Zahid Sarfaraz Gill v. The State* (2024 SCMR 934).

5. On the other hand, Learned DPG opposed the bail application, on the ground that the applicant was apprehended red-handed being in possession of 1050 grams charas and no *mala fide* on the part of the police has been shown to indicate that the alleged recovery has been foisted upon the applicant.

6. This case involves the recovery of 1050 grams of charas allegedly made from the applicant on 06.05.2026. The police failed to make video recordings/take photographs of the search, seizure and arrest, as observed by the Hon'ble Supreme Court in the reported case of *Zahid Sarfaraz Gill* (supra) relied upon by learned Counsel for the applicant. The alleged recovery was made at daytime and the place of recovery is also said to be busy area, even then no private person was picked to witness and attest the alleged recovery proceedings. The alleged offence carries punishment with imprisonment up-to fourteen years and not less than nine years for possessing, importing, or exporting and trafficking 'charas' in contravention of Sections 6, 7 and 8 of the Act, for more than 1000 grams and up-to 4999 grams in quantity. It is settled principle of law that at bail stage lesser punishment is to be considered. The quantum of punishment could only be decided by the trial Court after recording pro and contra evidence at trial. No previous record showing involvement of the

applicant in any crime of the like nature has been placed. In such circumstances, the case against the applicant in our considered view calls for further enquiry, as contemplated by Section 51 (2) of the Act, read with Section 497(2), Cr.P.C.

7. For the foregoing reasons, instant bail application is allowed. Applicant Fida Hussain Shahani shall be released on bail subject to furnishing her solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial Court.

8. The above observations are tentative in nature, which shall not prejudice the trial of the case in any manner.

JUDGE

JUDGE

M Yousuf Panhwar/**