

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

Criminal Bail Appln. No. D-107 of 2026

Present:

Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'

Applicant	:	Irfan Ali s/o Fida Hussain Shahahni, Through Mr. Mazhar Ali Bhutto, advocate
The State	:	Through Mr. Aitbar Ali Bullo, D.P.G for the State
Date of hearing		13-08-2025
Date of order		13-08-2025

ORDER

Riazat Ali Sahar, J.- Through this bail application, the applicant Irfan Ali s/o Fida Hussain Shahani, seeks post arrest bail in Crime No.66 of 2026, registered at P.S Market District Larkana, for offence under Section 9-(i)(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. According to the case of prosecution, on 06.05.2026 complainant A.S.I. Shabir Ahmed lodged the FIR on behalf of State stating therein that he arrested the applicant/accused Irfan Ali from backside of Jinnah Bagh near Railway Track at 2330 hours and recovered 1100 grams of charas from his possession in presence of

mashirs and after preparation of mashirnama and completing formalities, the accused was brought at Police Station, where ASI Shabir Ahmed lodged the present F.I.R on behalf of the State.

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 1100 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 1100 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. Consequently, the applicant has succeeded in making out a case for the grant of post-arrest bail. Accordingly, the instant bail application is allowed, and the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the 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