

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.D-37 of 2026

(Jani alias Janro vs. The State)

Before:

Mr. Justice Nisar Ahmed Bhanbhro.

Mr. Justice Muhammad Jaffer Raza

Applicant : Jani alias Janro s/o Yar Muhammad
Through Mr. Altaf Hussain Junejo, Advocate.

Respondent : The State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing : 22.10.2026

Date of Order : 22.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Jani alias Janro s/o Yar Muhammad, seeks post arrest bail under Section 497 Cr.P.C in F.I.R bearing Crime No.115 of 2026, registered at Police Station B-Section Tando Adam for offence punishable under Section 9(1)(3) C of SCNS Act, 2024. His earlier application for post arrest bail was dismissed by the learned Sessions Judge (CNS Cases), Sanghar, vide order dated 16-09-2026 passed in Criminal Bail Application No. 166 of 2026, whereafter he invoked the jurisdiction of this Court.

2. This is fresh bail application. Learned Prosecutor, present in court in other matters, waived the notice of instant bail application and submits that police file is available with him and he is ready to proceed with the bail application.

3. It is the case of prosecution that on 18-08-2026, applicant/ accused was apprehended by the police party of PS B-Section Tando Adam headed by complainant Inspector Atta Muhammad Khaskheli from the link road near Dargah Jaffar Faqeer and recovered 1050 grams charas from his possession. He was also involved in other narcotic cases (detailed are mentioned in the F.I.R.). After sealing the recovered charas for chemical analysis and preparing such memo, the applicant/ accused alongwith recovered property was brought at police station, where complainant lodged instant F.I.R.

4. Learned counsel for the applicant contended that alleged recovery from the applicant is not substantiated from any tangible evidence as in the present case, the alleged recovery was effected from link road near Dargah Jaffar Faqeer during broad day time i.e. 1345 hours (1:45 p.m), but none from the public was associated as mashir. He further contended that the police party failed to record video of alleged arrest and recovery proceedings; hence same is in violation of section 17 of SCNS Act, 2004. He further contended that alleged offence does not come within the ambit of prohibitory clause of section 497(1) Cr.P.C. He further contended that case has been challaned and applicant is no more required for further investigation. He, therefore, prays for grant of bail to the applicant.

5. Conversely, learned D.P.G has contended that applicant is habitual offender and is also involved in another cases of similar nature. He further contended that applicant was apprehended at the spot and charas weighing 1050 grams was recovered from his possession and alleged offence falls under the prohibitory clause of Section 497(1) Cr.P.C. Therefore, he prays for dismissal of instant bail application.

6. Heard arguments and perused the record. Perusal of record shows that the applicant was allegedly arrested from link road near Dargah Jaffer Faqeer during broad day time i.e. 1345 hours (1:45 p.m), but none from the public was associated as mashir. Moreover, the police has failed to record video of arrest and recovery proceedings, which is in violation of section 17 of the Act. The alleged offence is punishable for imprisonment which may extend to fourteen years but shall not be less than nine years; however, it is the trial court to decide the quantum of sentence after conclusion of trial, therefore, at this stage the alleged offence does not fall within the ambit of prohibitory clause of section 497(1) Cr.P.C, wherein bail is rule and refusal is an exception. The applicant is confined in jail and no more required for further investigation.

7. For the foregoing reasons and without expressing any final opinion on the merits of the case, the applicant has succeeded in making out a case for grant of post arrest bail. Consequently, the applicant namely Jani alias Janro s/o Yar Muhammad is admitted on bail subject to furnishing a solvent surety in the sum of Rs.100,000/= (Rupees One Hundred Thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial court.

8. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence

brought before it, independently and without being influenced by any observation contained in this order.

The instant bail application stands **allowed** accordingly.

JUDGE

JUDGE

Saleem

