

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-146 of 2026

Applicant: Abdul Majeed Khan through Mr. Muhammad Shafique Gaddi, Advocate.

Respondent: The State through Ms. Rameshan Oad, D.P.G. Sindh along with Inspector Syed Muhammad Ali Shah PS Sakhi Pir, Hyderabad.

Date of hearing: 27.08.2026.

Date of order: 27.08.2026.

ORDER

RIAZAT ALI SAHAR, J: - The applicant/accused Abdul Majeed Khan son of Aziz Khan seeks post-arrest bail in Crime No.43/2026 registered at Police Station Sakhi Pir under section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024 (Amended Act, 2025), after dismissal of his bail application No.185/2026 by the learned District & Sessions Judge/Special Judge, CNSA, Hyderabad, vide order dated 22.04.2026.

2. Briefly, the prosecution case is that on 01.04.2026 at about 2200 hours, a police party of P.S. Sakhi Pir, while on patrol, allegedly apprehended the applicant near Noor Masjid Street, Ansari Mohallah, Hyderabad, while carrying a white shopper. On search, four pieces of charas were allegedly recovered from the shopper, besides Rs.1,000/- from his person. The recovered charas was weighed on an electronic scale and allegedly found to be 2012 grams, where after the applicant was arrested and the case was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the case. He contended that the applicant is himself a Police Constable performing his lawful duty at District Tando Muhammad Khan and that there exists a dispute regarding a Government quarter allotted to him at Dau Ba Line, Hyderabad. According to learned counsel, police officials wanted the applicant to vacate the quarter and, due to the said dispute, he has been falsely involved in the present case. He further contended that the applicant had been called to the office of SP Hyderabad on 01.04.2026 for resolution of the matter and was thereafter taken away by the SHO,

P.S. Sakhi Pir and implicated in the present crime. Learned counsel further contended that no recovery was effected from the applicant and that the alleged recovery has been foisted upon him. He pointed out that the alleged place of incident is thickly populated, yet no private person was associated as mashir and all the prosecution witnesses are police officials subordinate to the complainant. He further contended that section 17(2) of the Sindh Control of Narcotic Substances Act, 2024 requires video recording of raid, seizure, inspection and arrest, but the alleged video has not been produced before the Court. According to learned counsel, the circumstances create reasonable doubt and bring the case within the ambit of further inquiry under section 497(2), Cr.P.C.

4. Learned Deputy Prosecutor General, Sindh, opposed the bail application and supported the impugned order. She contended that the applicant was apprehended at the spot while carrying the white shopper and that 2012 grams of charas was recovered from his possession. She contended that the alleged recovery provides sufficient incriminating material connecting the applicant with the offence. According to the learned D.P.G., the defence plea regarding the Government quarter, false implication and the alleged manner of apprehension, involves factual controversies which require evidence and deeper appreciation and cannot be conclusively determined at the bail stage. She, therefore, prayed for dismissal of the bail application.

5. We have heard learned counsel for the applicant/accused and learned Deputy Prosecutor General, Sindh, and have examined the material available on record with their assistance. At the bail stage, the Court is required to make a tentative assessment of the material and is not expected to conduct a deeper appreciation of evidence. The question is whether the material presently available provides reasonable grounds for believing the guilt of the applicant or whether the circumstances call for further inquiry within the meaning of section 497(2), Cr.P.C.

6. The prosecution case rests principally upon the alleged recovery of 2012 grams of charas from the applicant. We are conscious that the evidence of police officials cannot be discarded merely because they are official witnesses. However, the defence has specifically asserted that the alleged place of recovery is thickly populated and that no private person was associated as mashir, while all the mashirs are police officials subordinate to the complainant. Whether the explanation for non-association of private persons is ultimately satisfactory is a matter to

be determined at trial; nevertheless, the circumstance is relevant at this stage when the prosecution case is subjected to a tentative assessment. The applicant has also raised a specific question regarding compliance with section 17(2) of the Sindh Control of Narcotic Substances Act, 2024. The prosecution version itself records that the recovery proceedings were video-recorded and that the recording was kept in a USB, while the defence asserts that the said video has not been produced before the Court. At this stage, we do not finally determine the legal or evidentiary consequence of such omission. However, the question whether the statutory requirement was duly complied with and whether the alleged recording is available and forms part of the prosecution case, requires examination during trial.

7. The applicant has further alleged a specific motive for his false implication i.e. the dispute concerning the Government quarter and the proceedings stated to have been initiated by him and his wife regarding the same. We are not inclined to determine the truth of this allegation at the bail stage. Nevertheless, the plea is not to be considered in isolation; it is to be examined cumulatively with the absence of private mashirs, the disputed video recording and the applicant's assertion that he was taken away from the office of SP Hyderabad before being shown arrested in the present case. Whether these circumstances ultimately establish false implication or are satisfactorily explained by the prosecution shall be determined after recording of evidence.

8. We are also conscious of the alleged recovery of 2012 grams of charas, which is a serious circumstance against the applicant. However, the quantity by itself cannot prevent the Court from considering whether the material available on record calls for further inquiry. At this stage, we are not recording any final finding regarding the genuineness of the recovery or the truthfulness of either version. The cumulative effect of the circumstances noted above, particularly the disputed manner of apprehension, non-association of private mashirs despite the asserted populated locality and the question concerning production of the alleged video recording, requires further examination.

9. For what has been discussed above, we are of the tentative view that the applicant has succeeded in bringing his case within the ambit of further inquiry under section 497(2), Cr.P.C. Accordingly, the instant bail application is **allowed**. The applicant/accused Abdul Majeed Khan son of Aziz Khan is admitted to post-arrest bail subject to

furnishing 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 the learned Trial Court.

10. The observations made herein are purely tentative and shall not prejudice the case of either side at trial. The learned Trial Court shall decide the matter independently on the basis of evidence brought before it in accordance with law.

11. These are the reasons for our short order dated 27.08.2026, through which the applicant/accused was admitted to post-arrest bail.

JUDGE

JUDGE

Abdullah Channa/PS