

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-177 of 2026

Applicant: Mst. Rizwana @ Rajju @ Azeema through Mr. Ali Raza Jatoi, Advocate.

Respondent: The State through Ms. Rameshan Oad, D.P.G. Sindh along with Inspector Gulsher Oad PS Rahuki Hyderabad.

Date of hearing: 27.08.2026.

Date of order: 27.08.2026.

ORDER

RIAZAT ALI SAHAR, J: - The applicant/accused Mst. Rizwana @ Rajju @ Azeema W/o Allah Dino @ Mooli seeks post-arrest bail in Crime No.17 of 2026 registered at Police Station Rahuki, District Hyderabad, under section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of her earlier post-arrest bail application by the learned Sessions Judge/Special Judge, CNS, Hyderabad, vide orders dated 13.02.2026 and 01.04.2026.

2. Briefly, the prosecution case is that on 29.01.2026 at about 2200 hours, a police party headed by SIP Ghulam Mushtaque Bhatti, while on patrol, allegedly received spy information that the applicant, who was wanted in another crime, was carrying charas in a black shopper for sale. The applicant was allegedly apprehended near Usman Shah Stop Railway Phattak, and three pieces of charas were recovered from the shopper. The recovered substance was jointly weighed through a computerized scale and allegedly found to be 1506 grams, where after it was sealed and the applicant was arrested.

3. Learned counsel for the applicant/accused contended that she is innocent and has been falsely implicated by the police due to previous enmity and that the alleged charas was foisted upon her. He contended that the alleged place of recovery is a thickly populated area and a running road, yet no private person was associated as mashir despite the police having prior information regarding the applicant. According to learned counsel, both mashirs are police officials and subordinates of the complainant and no independent evidence has been

collected to connect the applicant with the alleged offence. Learned counsel further contended that the prosecution alleges that the recovery proceedings were video-recorded, but the alleged video has not been produced before the Court and the applicant apprehends that the police subsequently visited the place of incident and made the recording to fill lacunae. He also pointed out that the three alleged pieces of charas were not separately weighed but were jointly weighed and no proper description of the individual pieces has been given in the FIR. He further contended that the the applicant is a woman, the challan has been submitted, she has remained in custody since 29.01.2026 and is no longer required for investigation; hence, her case calls for 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 learned trial Court had rightly declined bail after considering the material available on record and that the alleged contradictions or other defence pleas require deeper appreciation of evidence, which is not permissible 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.

6. The prosecution case primarily rests upon the alleged recovery of 1506 grams of charas from a black shopper allegedly carried by the applicant. The recovery witnesses are police officials. The applicant has specifically asserted that the alleged place of recovery is a populated locality and running road and that, despite prior information, no private person was associated as mashir. We are conscious that official witnesses are competent witnesses and their evidence cannot be discarded merely because of their official status. Nevertheless, the absence of independent corroboration, coupled with the specific defence plea regarding the availability of private persons at the place of alleged recovery, is a circumstance which may tentatively be considered while determining whether further inquiry is called for. We have also considered the question of the alleged video recording. The FIR itself states that the weighing of the recovered charas was video-recorded through the mobile phone of DPC Sahib Khan. The applicant, however, asserts that the police subsequently went to the alleged place of occurrence and made the video in order to fill lacunae and that the

alleged recording has not been produced before the Court. We do not express any final opinion regarding the genuineness, admissibility or evidentiary value of the alleged video. However, whether the recording was made contemporaneously with the alleged recovery and whether it forms part of the prosecution material are matters which can be properly tested during trial? Another circumstance is the manner of weighing and description of the alleged recovered substance. According to the prosecution itself, three pieces of charas were recovered and were jointly weighed, resulting in a total weight of 1506 grams. The defence has specifically questioned why the individual pieces were not separately weighed and why their individual description was not recorded. These objections may ultimately be explained by the prosecution at trial; nevertheless, at the present stage, where the recovery and its documentation are yet to be tested through evidence and cross-examination, they cannot be completely ignored. In the present case, it also noted that the prosecution case regarding the alleged sale is not stated to have been supported by the apprehension or identification of any purchaser. This circumstance, along with the other features of the case, requires tentative consideration.

7. We are mindful that the alleged recovery of 1506 grams of charas is a serious circumstance against the applicant. However, the question before us is not to determine her ultimate guilt or innocence. The Court is required to make a tentative assessment and determine whether the material furnishes reasonable grounds for believing her guilt or whether the case calls for further inquiry. The applicant is a woman, the challan has been submitted and, according to the application, she has remained in custody since 29.01.2026. In the circumstances, we are of the tentative view that the applicant's case requires further inquiry on the touchstone of section 497(2), Cr.P.C.

8. For what has been discussed above, the instant bail application is **allowed**. The applicant/accused Mst. Rizwana @ Rajju @ Azeema W/o Allah Dino @ Mooli is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) to the satisfaction of the learned Trial Court.

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

10. 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