

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-227 of 2026

Applicant: Irfan Ali through Mr. Ali Najaf Memon, Advocate.
Respondent: The State through Ms. Rameshan Oad, D.P.G. Sindh.
Date of hearing: 27.08.2026.
Date of order: 27.08.2026.

ORDER

RIAZAT ALI SAHAR, J: - The applicant/accused Irfan Ali son of Hamzo Khan seeks post-arrest bail in Crime No.132 of 2026 registered at Police Station A-Section, Dadu, under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his post-arrest bail application No.804 of 2026 by the learned Sessions Judge, Dadu Competent Court (Narcotics) vide order dated 06.05.2026.

2. Briefly, the prosecution case is that on 23.04.2026, a police party headed by SIP Muhammad Siddique Panhwar, while on patrol near Amb Mori, allegedly apprehended the applicant carrying a black-coloured shopper. On checking the shopper, three pieces of charas were allegedly recovered, which were weighed as 1070 grams; 50 grams were separated for chemical examination and the remaining 1020 grams were sealed. The applicant was thereafter arrested and the FIR was lodged on behalf of the State.

3. Learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated due to *mala fide* and ulterior motives. He contended that the alleged recovery is doubtful as no independent person was associated with the recovery proceedings despite the alleged place being a public locality. He further pointed out that the alleged recovered charas was 1070 grams, only marginally above the 1000-gram threshold and that the prosecution has not disclosed the individual weight of the three alleged pieces. He also questioned the fact that only 50 grams out of the alleged 1020 grams of remaining charas was separated for chemical examination. According to learned counsel, these circumstances require further inquiry within the

meaning of Section 497(2), Cr.P.C. Learned counsel also relied upon the alleged non-compliance of Section 17 of the Sindh Control of Narcotic Substances Act, 2024, particularly the requirement relating to video recording and contended that the complainant himself was not shown to be an officer of the prescribed rank. He contended that the prosecution's assertion regarding video recording requires examination, particularly as the alleged proceedings were conducted at a public place but no independent witness was associated. He further contended that the applicant has taken a specific plea that he was picked up from his residence and that CCTV footage is available in support of such assertion. Learned counsel contended that the authenticity and evidentiary value of such electronic material, as well as the competing versions of the parties, are matters requiring examination at trial. He lastly pointed out that the investigation has been completed, the applicant is no longer required for further investigation, hence, prayed that the applicant be admitted to post-arrest bail.

4. Conversely, 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 shopper from which 1070 grams of charas was allegedly recovered. According to learned D.P.G., the recovery constitutes sufficient incriminating material against the applicant and the objections raised by the defence regarding the manner of recovery, non-association of private witnesses, delay in registration of FIR and compliance with statutory requirements involve factual matters which cannot be finally determined at the bail stage. She, therefore, prayed for dismissal of the bail application.

5. Heard learned counsel for the applicant/accused as well as learned Deputy Prosecutor General, Sindh and perused material available on record.

6. At the bail stage, the Court is required to make a tentative assessment of the material and is not expected to undertake a deeper appreciation of evidence. In the present case, the alleged recovery is the principal incriminating circumstance against the applicant. However, certain aspects of the prosecution case call for consideration. The prosecution alleges recovery of three pieces of charas collectively weighing 1070 grams. The applicant has specifically questioned the manner in which the recovered substance was weighed and documented,

particularly as the individual weight of the three pieces has not been stated. The record, as placed before us, further shows that after separation of 50 grams for chemical examination, the remaining alleged quantity was stated to be 1020 grams. The effect, if any, of these circumstances upon the prosecution case is ultimately to be determined by the learned Trial Court after recording evidence; however, at this stage, they cannot be altogether brushed aside while considering the question of further inquiry.

7. We have also noticed that the alleged recovery was made on a road/public place, yet admittedly no private person was associated as mashir and the recovery witnesses are police officials. We are conscious of the settled principle that evidence of police officials is not to be discarded merely because of their official status. Nevertheless, where the defence specifically raises the question of availability of independent persons at the alleged place of recovery, the absence of such corroboration is a circumstance which may tentatively be taken into account, without expressing any final opinion upon the credibility of the police witnesses. The applicant has further relied upon CCTV footage and has asserted that he was taken into custody from his residence, contrary to the prosecution version of his apprehension at the alleged place of recovery. The prosecution version, on the other hand, refers to video recording of the proceedings. The existence, authenticity, continuity and evidentiary value of the respective electronic material are matters which require proper examination in accordance with law. At this stage, we would refrain from recording any definitive finding either in favour of or against such material. As to the objections concerning compliance with Section 17 of the Sindh Control of Narcotic Substances Act, 2024 is concerned which need not be conclusively decided at this stage. Furthermore, we are fully aware of the seriousness of an offence relating to narcotic substance and the alleged recovery of 1070 grams of charas. Nevertheless, seriousness of the allegation by itself cannot dispense with the requirement of tentative assessment under Section 497, Cr.P.C. However, on assessment of all the aspect of the case, we are tentatively of the view that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

8. For what has been discussed above and without expressing any final opinion on the merits of the case, the instant bail application is **allowed**. The applicant/accused Irfan Ali son of Hamzo Khan is admitted

to post-arrest bail subject to furnishing a 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 either party at the trial. The learned Trial Court shall decide the case strictly on the basis of evidence brought before it and in accordance with law.

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

JUDGE

JUDGE

Abdullah Channa/PS