

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-190 of 2026

Applicant: Wajid through Mr. Farhad Ali Abro, 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 Wajid son of Shabeer seeks post-arrest bail in Crime No.133 of 2026 registered at Police Station Hali Road, Hyderabad, under section 9(1)(3) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his earlier post-arrest bail application No.234 of 2026 by the learned Sessions Judge/Special Judge, CNS, Hyderabad, vide order dated 18.05.2026.

2. Briefly, the prosecution case is that on 10.05.2026 at about 09:00 p.m., a police party headed by SIP Muneer Ahmed Mangrio, Police Station Hali Road, while on patrol near Edhi Centre Ground, allegedly apprehended the applicant carrying a black-coloured shopper. On checking the shopper, four big pieces and one small piece of charas were allegedly recovered, which were jointly weighed on a digital scale and found to be 2190 grams. The alleged narcotic substance was sealed, samples were separately prepared for chemical examination and mashirnama of arrest and recovery was prepared at the spot in the presence of police officials.

3. Learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated by the police with *mala fide* intention and ulterior motives. He contended that the alleged recovery was made from a public and populated place near Edhi Centre Ground, yet no private person was associated as mashir or witness despite the alleged availability of independent persons. He further contended that the complainant and the mashirs are police officials subordinate to one another and no independent corroboration has been collected by the prosecution. According to learned counsel,

these circumstances cast serious doubt upon the alleged recovery and call for further inquiry under section 497(2), Cr.P.C. Learned counsel further contended that the prosecution version itself states that the mashirnama of arrest and recovery was prepared while sitting on the front seat of the police mobile and that all proceedings were allegedly conducted “at once”, which, according to him, renders the manner of recovery doubtful. He also questioned the conscious possession of the applicant and contended that the alleged statement attributed to him regarding sale of charas is inadmissible and cannot constitute independent evidence against him. He further pointed out that although the prosecution claims that the proceedings were video-recorded, such recording has neither been produced before the Court nor made part of the challan material. Learned counsel also challenged the joint weighing of the five alleged pieces of charas and contended that the circumstances collectively make the case one of further inquiry. He lastly contended that the applicant is no longer required for investigation as the case has been challaned. He, therefore, prayed for grant of bail to the applicant.

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 black-coloured shopper and that a substantial quantity of 2190 grams of charas was recovered from his possession. According to learned D.P.G., the alleged recovery provides sufficient incriminating material connecting the applicant with the commission of the offence. She further contended that the grounds now urged by the applicant do not furnish any sufficient basis for grant of bail and that the pleas regarding false implication, manner of recovery, absence of private witnesses and alleged contradictions involve factual controversies requiring 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 2190 grams of charas from a black-coloured shopper allegedly carried by the applicant. The prosecution witnesses cited in the recovery proceedings are police officials. The applicant has specifically asserted that the alleged place of recovery near Edhi Centre Ground is a

public and populated place, yet no private person was associated as mashir. We are conscious that the testimony of police officials cannot be discarded merely on account of their official status. At the same time, the absence of independent corroboration, particularly where the defence specifically asserts availability of private persons at the alleged place of recovery, is a circumstance which may tentatively be considered while determining whether the case requires further inquiry. We have also noticed that, according to the prosecution version, the mashirnama of arrest and recovery was prepared while sitting on the front seat of the police mobile and the proceedings of arrest, recovery and sealing were allegedly carried out simultaneously. The applicant has specifically challenged this manner of documentation. At this stage, we are not required to determine whether such procedure was in fact adopted in the manner alleged or what ultimate evidentiary effect it may have. Such questions are to be tested through evidence and cross-examination. Nevertheless, the manner in which the recovery proceedings were allegedly conducted is a relevant circumstance when the prosecution case is subjected to a tentative assessment.

7. The applicant has further raised a specific objection regarding the alleged video recording. The prosecution version states that the proceedings were recorded and that the police party returned to the police station along with the recorded video. The defence, however, asserts that such recording has not been produced before the Court or made part of the challan material. We do not express any final opinion regarding the existence, authenticity or evidentiary value of the alleged recording. However, its availability and evidentiary status are matters which can properly be examined during trial and, at this stage, cannot altogether be ignored while considering the cumulative circumstances of the case. Another circumstance requiring tentative consideration is the manner of weighing the alleged narcotic substance. The prosecution case states that four big pieces and one small piece of charas were recovered and thereafter the recovered substance was jointly weighed, showing a total weight of 2190 grams. The defence has specifically questioned the joint weighing and the manner in which the alleged recovered substance was documented. Whether this circumstance ultimately affects the prosecution case or is satisfactorily explained is a matter for determination by the learned Trial Court after recording evidence. At the bail stage, however, the Court is only required to determine whether such circumstances, considered cumulatively, call for further inquiry.

8. We are mindful that the alleged recovery of 2190 grams of charas is a serious circumstance against the applicant. However, at the stage of bail, the Court is not expected to conduct a deeper appreciation of evidence or record findings which may prejudice either side at trial. The question is whether the material presently available provides reasonable grounds for believing the guilt of the applicant or whether the circumstances create a situation requiring further inquiry. In the present case, the absence of private mashirs at an alleged public place, the disputed manner of preparation of the mashirnama, the issue concerning the alleged video recording and the manner of weighing and documenting the recovered substance, when considered cumulatively, require further examination. Consequently, without expressing any final opinion on the merits of the case, we are of the tentative view that the applicant has succeeded in bringing his case within the ambit of further inquiry as contemplated by section 497(2), Cr.P.C.

9. For what has been discussed above, the instant bail application is **allowed**. The applicant/accused Wajid son of Shabeer 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.

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

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