

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-209 of 2026

Applicant: Lal Bux through Mr. Suneel Kumar, 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 Lal Bux son of Jan Muhammad Meerani seeks post-arrest bail in F.I.R. No.68 of 2026 registered at Police Station Market, Hyderabad, under section 9(i)(1)(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his earlier bail application by the learned Model Criminal Trial Court-I/1st Additional Sessions Judge/Special Judge, CNSA, Hyderabad vide order dated 26.03.2026.

2. Briefly, the prosecution case is that on 01.03.2026 at about 02:00 a.m., a police party headed by SIP Subhan Khan Pathan, while on patrol, allegedly apprehended the applicant near Miran School, close to Old Filter Plant, Hyderabad, while carrying a white plastic katta. On checking the katta, bhang was allegedly recovered, which on weighing was found to be 12,000 grams. From the alleged recovery, 500 grams were separated for chemical examination, while the remaining substance was sealed; the prosecution further claims that the proceedings were recorded on video and the applicant was arrested at the spot.

3. Learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated and that nothing was actually recovered from his possession. He contended that the alleged place of recovery is a public and populated locality, yet no private person was associated as mashir, while both mashirs are police officials subordinate to the complainant. According to learned counsel, the alleged recovery proceedings are doubtful as the mashirnama was prepared in the torchlight while sitting on the front seat of the police mobile. Learned counsel further contended that although the prosecution

alleges that the applicant disclosed that he used to sell bhang, no buyer has been identified and no investigation has been conducted regarding any alleged sale. He also pointed out that the prosecution claims to have recorded the proceedings on video and saved the same in a memory card, but such recording has not been produced before the Court; hence, compliance with section 17(2) of the Sindh Control of Narcotic Substances Act, 2024 is questionable. The principal contention of learned counsel, however, was that only 500 grams of the alleged recovered substance were sent for chemical examination, whereas the total alleged recovery was 12,000 grams; therefore, according to him, the applicability of the penal provision and the quantum of narcotic substance require determination at trial. He contended that the case at least calls for further inquiry under section 497(2), Cr.P.C. and that the applicant, being in custody after submission of challan, is no longer required for investigation.

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 plastic katta from which a substantial quantity of 12,000 grams of bhang was recovered. According to learned D.P.G., the recovery from the possession of the applicant constitutes sufficient incriminating material connecting him with the alleged offence. She further contended that the defence objections regarding non-association of private mashirs, preparation of the mashirnama, alleged video recording and the manner of recovery involve factual controversies which cannot be finally 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. The prosecution case primarily rests upon the alleged recovery of bhang from the white plastic katta allegedly carried by the applicant. 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 before us is whether the material presently available provides reasonable grounds for believing the guilt of the applicant or whether the circumstances make the case one of further inquiry. The alleged recovery was effected from a public place near Miran School and Old Filter Plant. The prosecution itself states that no private mashir was available and

consequently two police officials were associated as mashirs. We are conscious that the evidence of police officials is not liable to be discarded merely because they are official witnesses. However, the applicant has specifically asserted that the place was a public and populated locality and that independent persons could have been associated. The absence of independent corroboration, in the circumstances pleaded by the applicant, is a circumstance which may tentatively be taken into account, particularly when the alleged recovery and arrest are otherwise required to be tested through evidence.

6. We have also noticed the defence objection regarding the manner in which the recovery proceedings were documented. According to the prosecution version, the mashirnama was prepared in the torchlight while sitting on the front seat of the police mobile and the video of the proceedings was recorded through the driver and saved in a memory card. The applicant disputes the manner and contemporaneous nature of such proceedings and asserts that the alleged video has not been produced before the Court. We do not, at this stage, express any final opinion regarding the authenticity or evidentiary value of the alleged video. Nevertheless, whether the alleged recording was properly made and preserved and whether the prosecution has complied with the statutory requirement relied upon by the defence, are matters which can be examined during trial and constitute relevant circumstances for tentative assessment.

7. Furthermore, the prosecution case is that 12,000 grams of bhang were recovered, but only 500 grams were separated and sent for chemical examination. Learned counsel has specifically challenged the applicability of section 9(i)(1)(c) on the basis that the chemical examination relates only to the 500 grams sample and has submitted that the question whether the entire recovered substance was narcotic is yet to be established. We are not inclined to finally determine at this stage the legal effect of the chemical examination or the ultimate quantity proved to be narcotic. However, the question raised by the defence relates directly to the nature and quantum of the alleged contraband and therefore cannot be brushed aside while making a tentative assessment of the case. The alleged statement of the applicant that he used to consume and sell bhang also requires cautious consideration. The prosecution has not, according to the material placed before us, identified any purchaser or produced any independent evidence

regarding an alleged sale. Learned counsel has also challenged the admissibility and evidentiary value of the alleged statement. We do not record any final finding on that question; nevertheless, the absence of evidence regarding any actual sale is a circumstance which may be considered cumulatively with the other features of the case.

8. We are also aware that the alleged recovery of 12,000 grams of bhang is a serious circumstance against the applicant. However, the mere seriousness of an allegation cannot dispense with the requirement of tentative judicial assessment at the stage of bail. The applicant has specifically questioned the manner of recovery, non-association of private witnesses, preparation of the mashirnama, availability of the alleged video recording and, most importantly, the extent of the recovered substance subjected to chemical examination. These matters cannot be finally adjudicated at this stage and their evidentiary worth is to be determined by the learned Trial Court after recording and testing the evidence. On a cumulative assessment of the circumstances discussed above, we are of the tentative view that the case of the applicant requires further inquiry within the meaning of section 497(2), Cr.P.C.

9. For what has been discussed above, the instant bail application is **allowed**. The applicant/accused Lal Bux son of Jan Muhammad Meerani 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. It is clarified that the observations made herein are purely tentative in nature and shall not prejudice the case of either side at trial.

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

JUDGE

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