

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-201 of 2026

Applicant: Salman through Mr. Ayaz Khaskheli, 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 Salman son of Muhammad Nawaz seeks post-arrest bail in crime No.422 of 2025 registered at PS A-Section Latifabad, District Hyderabad for the offence under sections 9(i)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his bail application by the learned Sessions Judge/Special Judge (CNSA), Hyderabad, vide order dated 10.11.2025. The applicant is presently confined at Central Prison, Hyderabad.

2. Briefly, the prosecution case, as set out in the FIR, is that on 16.10.2025, SIP Rana Muhammad Nasir along with police staff left Police Station A-Section, Latifabad, for patrolling and, near Akbary Graveyard, Hyderabad, allegedly apprehended two persons. One of them disclosed his name as Salman son of Muhammad Nawaz, the present applicant. According to the prosecution, his personal search allegedly resulted in recovery of a black-coloured polythene bag lying in the fold of his shalwar, containing 1050 grams of charas. The alleged recovery was sealed and a mashirnama of arrest and recovery was prepared at the spot.

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 applicant had allegedly been taken from his house by the SHO and private persons on 14.10.2025, whereupon his mother approached this Court through Cr. Misc. Application No.6217/2025, and protection was granted by the learned 3rd Additional Sessions Judge, Hyderabad, vide order dated 23.10.2025. According to learned counsel, this circumstance provides a

background for the applicant's subsequent implication in the present case. He further contended that although the alleged place of arrest and recovery was a populated area, no independent person was associated as mashir and both mashirs are police officials subordinate to the complainant. He contended that no CNIC or mobile phone was recovered from the applicant and that the alleged recovery was not supported by any independent corroboration. Learned counsel also questioned the manner of preparation of the mashirnama, the absence of private witnesses despite the alleged availability of persons at the place of occurrence and the alleged non-compliance with the requirement of video recording under the applicable law. He contended that these circumstances, taken cumulatively, make the prosecution case doubtful and bring the applicant within the ambit of further inquiry under section 497(2), Cr.P.C. He lastly contended that the investigation has been completed, the applicant is no longer required for investigation and prayed for grant of 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 and a substantial quantity of 1050 grams of charas was recovered from his personal possession, which constitutes sufficient incriminating material connecting him with the alleged offence. Learned D.P.G. further contended that the objections raised by the defence regarding the manner of recovery, absence of private witnesses and alleged procedural irregularities are matters requiring deeper appreciation of evidence 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.

6. At the bail stage, the Court is not required to conduct a deeper appreciation of evidence or undertake a tentative assessment in the manner of a trial. The question is whether the material presently available furnishes reasonable grounds for believing the guilt of the accused or whether the circumstances call for further inquiry within the meaning of section 497(2), Cr.P.C. The alleged recovery of 1050 grams of charas from a black-coloured polythene bag allegedly concealed in the fold of his shalwar by the applicant. We are conscious that, if established

through reliable evidence, such recovery would constitute a serious circumstance against the applicant. However, the defence has specifically challenged the manner and circumstances of the alleged recovery. It has been pointed out that the place of arrest was a populated area, yet admittedly no private person was associated with the arrest and recovery proceedings and both mashirs are police officials. We do not hold, as a matter of law, that the evidence of police officials is inherently unreliable merely because of their official status. Nevertheless, where the defence specifically raises the question of availability of independent persons at a public place, the absence of independent corroboration may, at the bail stage, be considered as one of the circumstances forming part of the cumulative assessment.

7. We have also noticed the specific defence assertion that the applicant's mother had approached the Court shortly before the registration of the present case, alleging that the applicant had been taken away from his house and that protection was subsequently granted. We do not express any final opinion upon the correctness of that allegation, nor do we treat the proceedings referred to by the defence as proof of false implication. However, the existence and timing of such proceedings constitute a circumstance which cannot altogether be ignored while making the tentative assessment required at this stage. Another aspect requiring consideration is that the applicant has questioned the prosecution's compliance with the statutory requirement regarding video recording of raid, seizure and arrest proceedings and has also challenged the manner in which the alleged recovery proceedings were documented. Whether the statutory requirement was duly complied with, whether any recording exists and what evidentiary value it may ultimately carry are matters to be determined by the learned Trial Court after evidence is recorded. At this stage, however, these objections, coupled with the absence of private mashirs and the disputed circumstances surrounding the recovery, cannot be discarded altogether. The prosecution case will ultimately have to establish through evidence that the alleged contraband was recovered from the applicant in the manner stated in the FIR and that the statutory requirements governing search, seizure and documentation were duly fulfilled. We are not inclined, at this stage, to pronounce upon the ultimate truth or otherwise of either version. Suffice it to observe that the cumulative effect of the circumstances noticed above creates a situation requiring further inquiry. The fact that the alleged contraband is substantial does not, by

itself, dispense with the requirement of a tentative examination of the manner in which the recovery is attributed to the applicant.

8. In view of the above circumstances and without expressing any final opinion on the merits of the case, we are tentatively of the 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. The learned Trial Court shall, during trial, determine the evidentiary worth of the alleged recovery, the testimony of the mashirs, compliance with the relevant statutory requirements and all other questions raised by either side strictly on the basis of evidence.

9. For what has been discussed above, the instant bail application is **allowed**. The applicant/accused Salman son of Muhammad Nawaz is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) with PR bond in the like amount 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

JUDGE

Abdullah Channa/PS