

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-241 of 2025.

Sajid Ali v. The State

**Applicant** : Sajid Ali through Mr. Aijaz Ali Bhutto, Advocate.  
**Respondent** : The State through Mr. Siraj Ahmed Bijarani, A.P.G.  
**Date of hearing** : 28.03.2025.  
**Date of Decision** : 28.03.2025.

## **ORDER**

**Miran Muhammad Shah, J:-** Through instant Bail Application, the applicant/accused namely, Sajid Ali s/o Ghulam Shabir Mallah seeks post arrest bail in Crime No.08/2025, registered at Police Station Gulab Laghari for the offence U/s 8 S.P.P.M.S.S & Usage of Gutka & Manpuri Act-2019. Earlier bail plea of the applicant/accused was declined by the learned Additional Sessions Judge, Matli vide order dated 27.02.2025.

2. The facts of the case are mentioned in the Bail Application and the copy of F.I.R. is also attached with the Bail Application, hence, needs not to reproduce the same here.

3. The learned counsel for the applicant/accused argued that the applicant/accused is innocent and has not committed an offence as alleged in the FIR, the allegations are false, fabricated & concocted; that there are no reasonable grounds to believe that the applicant/accused is guilty. He has further argued that the place of incident as shown in FIR is thickly populated area, but police had failed to associate any private mashir, which clearly show the malafide and the case of applicant/accused is one of further inquiry; that the alleged offence does not fall within prohibitory clause; that the applicant/accused may be admitted to bail as the case of applicant/accused is one of further inquiry. He relied upon the case law reported as 2022 P.Cr.L.J 143.

4. On the other hand, learned A.P.G for the State vehemently opposed the bail application of applicant/accused and argued that the applicant/accused is nominated in the FIR and huge quantity of contraband Safina was recovered from the exclusive possession of applicant/accused; that the applicant/accused is a dealer of Safina. Lastly, prayed that the bail application of applicant/accused may be dismissed.

5. Heard & perused.

6. A tentative assessment of the record reflects that this is a case of transportation of Safina a new kind of Gutka substance which is becoming a main reason of so many diseases particularly cause of mouth cancer. The prosecution case is that the applicant/accused while driving a car was arrested and five (05) white color bags/katta were recovered from the trunk of car containing Safina Gutka. More than twenty seven thousand sachets were total in number. The Gutka is a menace for our society specially for youth as well as new generation and there is urgent need to curb such offences and the persons involved to transport & sell should be dealt with iron hands so that our new generation could be kept away from using this contraband. The Government is also taking efforts to control this crime and keeping in view the same, legislation was enacted to curb such crimes and enacted "Sindh Prohibition of Preparation Manufacturing Sale of Gutka and Manpuri Act 2019". It has been observed that district Badin has become a hub of Safina Gutka, and such view had also taken by this court by rejecting the bail plea in an un-reported Bail Application No.S-168 of 2025. The relevant portion of the same is reproduced as under;

*"...In fact the present Hyderabad Division has been badly affected specially district Thatta and Badin. The Government very rightly so had enacted this piece of legislation for putting the prohibition on preparation, manufacturing, storage, sale & use of gutka & manpuri in the year 2019. Before this Act this menace of Gutka and Manpuri was not even an offence in this Province, resultantly it was eating away the labour class and the youth of Sindh Province. Even females were becoming edict to this intoxicated material. It came to the observations of this court that a particular brand of Gutka called as Safina was prevalent to greater extent in the District Badin. So many FIRs were being lodged on the usage and transportation of this particular brand of Gutka i.e. Safina. The accused who were allegedly found transporting this material were apprehended on spot, however, since the punishment for the offence are so less and since do not fall within the prohibitory clause, most of these transporters/suppliers of this brand of Gutka were successful in obtaining bail. In this particular case, it was observed that it was again Police Station Matli, District Badin where this case transpired which it seems now has become hub of Safina Gutka. I have heard the parties at length as well as the learned A.P.G for the State, wherein it has transpired that the huge quantity of 11000 sachets of contraband material/Safina were being transported. Question of such a huge quantity being foisted upon is nearly an impossibility. No ill will or enmity has been pleaded. The transportation of Gutka & Manpiuri is a heinous offence and it effects the society at large, which needs to be curtailed. Due to lesser punishments, most of the time, the applicants/accused take the advantage and are granted bail, however, these offenders are habitual and cannot be allowed to move freely in the society selling and transporting this contraband. Strict and stern measures need to be taken by the concerned official authorities to safeguard our youth and our labour class. After going through the material available on record, I am of the firm opinion that the applicants/accused have not made out a case for bail due to the nature and quantity of the contraband stated to be Safina Gutka, therefore, case of present applicants/accused for bail is not made out, hence it is **declined**."*

7. The case law relied by the learned counsel for the applicant/accused is distinguishable and not applicable to the case in hand. I am of the tentative view that prima facie, there is sufficient material available on record which connects the present

applicant/accuse with the commission of an offence, therefore, case of present applicant/accused for bail is **not** made out, hence it is **declined**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

*Ali.*