

**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-1200 of 2022.

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**DATE      ORDER WITH SIGNATURE OF JUDGE**

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For hearing of main case.

09.12.2022.

Mr. Mazhar Ali Laghari advocate for applicant.  
Mr. Imran Ali Abbasi Assistant Prosecutor General.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant was arrested by police of PS City Tando Adam during patrolling from near Edhi Centre Tando Adam on 02.11.2022 and from him 400 sachets of Mawa Gutka were recovered which is an offence punishable u/s 5-8(i) of Mainpuri Gutka Act 2019. He was arrested and brought to police station where instant case was registered against him.

Learned counsel in defence has stated that investigation is over and applicant is in jail since his arrest; offence does not fall within the prohibitory clause of Section 497(i) CrPC; no private person has been associated in recovery proceedings, hence, case against applicant requires further inquiry. His arguments have been opposed by learned APG however, in view of fact the offence does not fall within the prohibitory clause; no independent person is cited as witness; the case has been challaned and applicant is no more required for further investigation, the bail application is allowed and the applicant is granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- (fifty thousand rupees) and P.R Bond in the like amount to the satisfaction of learned trial Court.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE