HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-532 of 2026

(Muhammad Aftab vs. The State)

Applicant : Muhammad Aftab s/o Baboo Khan
Through Mr. Mehfooz Ali Laghari, Advocate.

Respondent : The State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

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Crl. Bail Application No.S-537 of 2026

(Sohail @ Zeeshan vs. The State)

Applicant : Sohail @ Zeeshan s/o Qaiser Khan
Through Mr. Mehfooz Ali Laghari, Advocate.

Respondent : The State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing : 03.11.2026

Date of Order : 03.11.2026

O R D E R

NISAR AHMED BHANBHRO, J: By this single order, I intend to dispose of both the captioned bail applications as same were filed in the same crime. Through the instant bail applications, applicants Muhammad Aftab and Sohail @ Zeeshan, seek pre arrest bail under Section 498 Cr.P.C., in F.I.R., bearing Crime No.157 of 2026, registered at Police Station Satellite Town, Mirpurkhas, for offence punishable under Sections 4,8,6 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act, 2019. Their earlier application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 06-10-2026 passed in Criminal Bail Application No. 1216 of 2026, whereafter they invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail applications are that complainant ASI Muhammad Tarique Jatt lodged instant F.I.R., on 25-09-2026 at PS Satellite Town Mirpurkhas alleging therein that on 24-09-2026, he along with his sub ordinate staff departed for patrolling vide Roznamcha Entry No. 20 at 2300

hours in official vehicle. While patrolling at various places, they reached at Jarwari Shakh, where received secret information that one Sohail Lashari, along with his associates, is preparing hazardous Mainpuri for sale in a shed situated near his retail shop. Upon receiving such information, they proceeded to the pointed place and at about 0030 hours reached there, where saw and identified three persons namely Sohail Lashari, Salman Malik and Aftab Malik, who were jointly preparing Mainpuries. As soon as they noticed the police party, they attempted to flee. However, they apprehended Salman Malik whereas Aftab Malik and Sohail Lashari succeeded in escaping through a street. Thereafter, they inspected the place and found that three bags containing Mainpuri powder weighing 50 kilograms, one bag of *Patti* (tobacco) weighing 19 kilograms, one bag containing wrappers weighing 07 kilograms, one bag containing Zafran weighing 21 kilograms, one bag containing rubber material and one carton containing 170 prepared Mainpuri packets were lying there. Two prepared Mainpuri packets were taken as samples and a sample of *Patti* (tobacco) weighing 100 grams from the tobacco bag, for chemical examination. All the samples were separately sealed. The remaining contents of all the bags were also sealed. Thereafter, personal search of arrested accused Salman was conducted, during which six currency notes of Rs.100/= each, amounting to Rs.600/-, were recovered from the side pocket of his shirt. The recovered cash was also separately sealed. After preparation of such memo, they brought arrested accused and recovered property at P.S, where complainant lodged instant F.I.R on behalf of the State.

3. Learned counsel for the applicants contended that the applicants have been falsely implicated in this case by the police at the instance of rival party. He next contended that no private person was associated as mashir and both mashirs are police officials. He further contended that the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C; that co-accused Salman has already been granted bail by the learned trial court, therefore, on the rule of consistency applicants are also entitled for the concession of bail. He, therefore, prays for the confirmation of bail of the applicants.

4. Conversely, learned Deputy Prosecutor General opposes the bail applications while arguing that huge quantity of harmful Mainpuri and raw material were recovered from the place of incident; that police officials are competent witnesses unless malafide is established against them and that the offence is against public health and society at large. He, however, conceded that rule of consistency is applicable to the case of the applicants.

5. Heard arguments and perused the material available on record. The allegation against the applicants in nut shell are that they were preparing the

Mainpuries at the place of incident and to see police party they made their escape good while police apprehended co-accused Salman and recovered prepared Mainpuries and raw material for preparation of Mainpuri from the spot. The said co-accused has already been granted bail by the learned trial court vide order dated 26-09-2026 passed in Criminal Bail application No. 91/ 2026; as such applicants are also entitled for the concession of bail on the rule of consistency, which has been conceded by learned Prosecutor.

6. Accordingly, in view of above, interim pre-arrest bail granted to applicants Muhammad Aftab s/o Baboo Khan and Sohail alias Zeeshan s/o Qaiser Khan vide order(s) dated 08-10-2026 and 13-10-2026 respectively is hereby **confirmed** on the same terms and conditions.

7. The instant bail applications stand **allowed** accordingly. Office is directed to keep signed copy of this Order in the connected file.

JUDGE

Saleem