

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

Criminal Bail Application No.S-934 of 2021

Applicants : Rano Khan Son of Abdul Sattar Abro and Tarique Hussain Son of Balouch Khan, through Mr. Zafar Ali Laghari, Advocate.

Respondent : The State, through Ms. Ramesha Oad, Assistant Prosecutor General, Sindh.

Date of hearing : 25.11.2021  
Date of Order : 25.11.2021

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicants/accused above named seek their post-arrest bail in Crime No.41 of 2021, under sections 5, 8(i) The Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and use of Gukta and Manpuri Act 2019, registered at P.S. Perumal District Sanghar, after their bail plea was declined by the learned Assistant Sessions Judge-II Sanghar vide order dated 13.10.2021.

2. The details and particulars of the F.I.R. are already available in the bail applications and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel, the applicants/accused have falsely been implicated in this case; that applicants/accused are behind the bars and they are no more required for further investigation; that the alleged offence does not fall within the prohibitory clause of section 497(i) Cr.P.C. He lastly prayed for grant of bail to the applicants/accused.

4. On the other hand, learned A.P.G vehemently opposed the grant of bail to applicants/accused.

5. I have heard learned counsel for the applicants as well as Assistant Prosecutor General, Sindh having gone through the record available.

6. No doubt the offence in which applicants/accused are charged does not fall within the prohibitory clause of section 497(i) Cr.P.C and in such cases grant of bail is a right and refusal is an exception. Learned A.P.G failed to disclose any exception to refuse the bail to accused. Further applicants/accused are in jail since their arrest however they are no more required for investigation, therefore, no purpose will be served to keep them in jail for indefinite period.

7. In view of above, the case of the applicants/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C, therefore, the bail application is allowed, applicants/accused Rano Khan and Tarique Hussain are admitted to bail subject to

furnishing their solvent surety in the sum of Rs.50,000/- each and PR Bonds in the like amount to the satisfaction of learned trial court.

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 applicants on merits.

JUDGE

*Muhammad Danish\**