

ORDER SHEET

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

Criminal Appeal No.S-113 of 2021

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|--------------------------|---|
| | 1. For hearing of M.A. No.8601/2021. 2. For hearing of case. |
| <u>06.08.2021</u> | |

Mr. G.M. Laghari, Advocate for the appellant.
Mr. Fayaz Hussain Sabki, A.P.G for the State.

==

The applicant for an offence punishable under section 4 r/w section 8 of The Sindh Prohibition of preparation, Manufacturing, Storage, Sale and use of Gutka and Mainpuri Act, 2019 has been convicted and sentenced to undergo R.I for one year and to pay fine of Rs.200,000/- and in default whereof to undergo simple imprisonment for six months with benefit of section 382(b) Cr.P.C by learned Additional Sessions Judge-II, Tando Muhammad Khan vide his Judgment dated 27.07.2021, which is impugned by the applicant before this Court by preferring an appeal and in the meanwhile, by way of listed application under section 426 Cr.P.C., has sought for his release on bail pending disposal of his appeal.

2. It is contended by learned counsel for the applicant that the sentence is short one and hearing of his appeal is likely to take time. By contending so, he sought for release of the applicant on bail pending disposal of his appeal.

3. Learned A.P.G for the State has recorded objection to release of the applicant on bail by contending that hearing of appeal would take no time.

4. I have considered the above arguments and perused the record.
5. The applicant at trial was enjoying the concession of bail; the conviction and sentence awarded to him are short one and hearing of his appeal because of heavy pendency, obviously would take time. In these circumstances; a case for release of the applicant on bail pending disposal of his appeal is made out.
6. In view of above, by suspending the operation of impugned judgment, while relying upon case of *Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589)* the applicant is admitted to bail subject to his furnishing surety in sum of Rs.30,000/- and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.
7. The listed application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*