

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
Crl. Bail Application No. 165 of 2023

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

For hearing of bail application.

**26-01-2023**

Mr. Ch. M. Saeed-uz-Zaman, Advocate for applicant.  
Mr. Muntazir Mehdi, Addl.P.G.

=====

**Omar Sial, J:** Riaz has sought post arrest bail in crime number 737 of 2022 registered under sections 4, 5 and 8 of the Sindh (Prohibition of Preparation, Manufacturing, Storage, Sale and Use) of Gutka and Manpuri, Act 2019 at the Korangi police station. Earlier, his application seeking bail was declined by the learned 10<sup>th</sup> Additional Sessions Judge, Karachi East on 24.12.2022.

2. A rather vague and detail less F.I.R. has been registered in this case. The F.I.R. and the challan merely record that Riaz (the applicant shown to be under arrest) and his 2 accomplices, namely, Saeed and Ishaq (who ran away) were in possession of 25 packets of gutka, 2 buckets of soaked betel nuts weighing 20 kg and 5 kgs of crushed limestone and tobacco leaves. The investigation does not reveal as to how, from whom and where was this material supposedly in the accused's possession recovered from.

3. I have heard the learned counsel for the applicant as well as the learned Additional Prosecutor General.

4. The learned Additional Prosecutor General confirmed that the applicant has no crime record. In such a situation, the offence with which he is charged, carries a potential sentence of 3 years and thus falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principle enunciated by in the case of Tariq Bashir vs The State (PLD 1995 SC 34), I do not see any extraordinary or exceptional grounds to deny the applicant bail. Accordingly he is admitted to post arrest bail against a surety of Rs. 50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE

