

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Cr. Bail Application No.896/2022

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

**For hg of bail.**

**18-05.2022:**

Mr. Muhamamd Azam, Advocate for the applicant.  
Mr. Talib Ali Memon, APG

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**Omar Sial, J.** Applicant Munawar Ali has sought post arrest bail in Crime No.733/2022 under sections 8(i) of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri (SPPMSSUGM) Act, 2019 registered at PS Sachal. Earlier his application seeking bail was dismissed on 27.4.2022 by the learned Sessions Judge, Malir.

2. A background to the case is that the aforementioned FIR was registered on the complaint of SIP Lutfullah on 19.4.2022. The complainant recorded that while he was on patrolling duty, he received an information that some people in a rickshaw are carrying gutka/mawa. They stopped the rickshaw and upon search recovered 03 Kgs of lime stone and 125 packets allegedly containing gutka/mawa.

3. I have heard learned counsel for the applicant as well as learned APG. Learned APG has confirmed that the applicant has no crime record let alone record of crime of similar nature.

4. Prima facie the offence falls under Section 8(i) of the Act which carries a potential sentence of three years, although non-bailable but falls within the non-prohibitory clause of Section 497 Cr.P.C. I am cognizant of the principles laid down by the Hon'ble Supreme Court in the case of Tariq Bashir and five others vs. The State (PLD 1995 SC 34) and do not see any exceptional or extra-ordinary reasons to decline bail to the applicant. It also appears that out of the alleged 125 packets seized only 10 packets were sent for chemical examination, whereas samples were not even taken from the remaining 115

packets. Whether or not the applicant possessed the material and whether or not the said material falls within the ambit of the Act 2019 will have to be determined after evidence is led at trial.

In view of above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs.50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE

sharif