

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

Criminal Bail Application No.S-431 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.

**29.05.2023**

Mr. ArbabAliJinjh, Advocate for applicant.  
Ms.RameshanOad, Assistant Prosecutor General, Sindh along-with SIP Allah Bux  
Bhatti P.S Sinjhor.

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**O R D E R**

**AMJAD ALI SAHITO, J:-**Through this criminal bail application, the applicant is seeking his post-arrest bail in Crime No.40 of 2023 registered under sections 5, 8(i) of the Sindh Prohibition of Preparation Manufacturing Storage Sale and Use of Gutka and Mainpuri Act 2019,at P.S.Sinjhor District Sanghar, after his bail plea was declined by the learnedAdditional Sessions Judge-II, Sangharvide order dated 19.04.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and crime report, 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 applicant / accused is in jail, he is no more required for further investigation; that offence in which the applicant is charged does not fall within the prohibitory clause of section 497 Cr.P.C; that applicant's further detention will not improve the case of prosecution as challan of the case has been submitted before concerned Court; that previously applicant / accused is not involved in similar nature cases. He lastly prayed for grant of bail to the applicant.

4. On the other hand, learnedAssistant Prosecutor General, Sindh vehemently opposed for grant of bail to the applicant / accused.

5. I have heard learned counsel for parties having also gone through material available on record.

6. Admittedly, the offence in which applicant is charged does not fall within the prohibitory clause of section 497 Cr.P.C, grant of bail is rule and refusal is an exception. No exception has been pleaded by learned APG. The maximum punishment provided by law is only three years. The applicant / accused is in jail his further detention in prison will not improve the case of prosecution. In such circumstances, the learned counsel for the applicant/accused has made out case for grant of post-arrest bail in view of subsection (2) of section 497 Cr.P.C, resultantly the instant bail application is allowed and the applicant / accused is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/-and P.R. bond in the like amount to the satisfaction of learned Trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature would not influence the learned Trial Court while deciding the case of either party at trial.

JUDGE