

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

Criminal Bail Application No.S-1343 of 2023

Applicants : Arbaz Khan & others through Mr. Ahmed Nawaz Chang Advocate.

Complainant : The State through Ms. Rameshan Oad, Assistant P.G Sindh.

Date of hearing : **12.01.2024**

Date of Order : **12.01.2024**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the above named applicants/accused seek their post-arrest bail in Crime No.203 of 2023, under section 08 of Sindh Prohibition of PMS Sale and Use of Gutka, Manpuri Act, 2019, registered at P.S Bhattai Nagar District Hyderabad, after their bail plea was declined by the learned Additional Sessions Judge-I, Hyderabad, vide his order dated 24.11.2023.

2. The details and particulars of the F.I.R. are already available in the bail application 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. Learned counsel for the applicants/accused mainly contended that the applicants/accused are innocent and they have been falsely implicated in this case; that nothing was recovered from the applicants/accused but the alleged raw material has been foisted upon them due to enmity; that as per the F.I.R the applicants/accused have been arrested in thickly populated area but police failed to associate any private person as mashir of arrest and recovery; and, that the challan of this case has already been submitted and the applicants/accused are no more required for further investigation.

4. On the other hand, learned Assistant Prosecutor General, Sindh highly opposed the grant of bail to the applicants/accused on the ground that huge quantity of raw material has been recovered from them and the offence allegedly committed by applicants is against society therefore, they do not deserve any leniency / concession which may entitled them to be released on bail. However, on the Court query, she submitted that the applicants were not previously involved in such like cases. He lastly prayed for dismissal of bail.

5. I have heard learned counsel for the parties and have perused the record available.

6. Admittedly the offence in which the applicants is charged does not fall within the prohibitory clause of section 497 Cr.P.C whereas grant of bail is rule and refusal is an exception. No exception has been pleaded by learned APG to refuse the bail to the applicants. The applicants / accused are in jail, they are no more required for further investigation, as such, their further detention will not improve the case of prosecution. Furthermore, there is no criminal record to believe that the applicants / accused are habitual offenders. At bail stage, only a tentative assessment is to be made. The learned counsel for the applicants / accused has made out a case for grant of post-arrest bail, resultantly instant Criminal Bail Application is allowed and the applicants/accused Arbaz Khan s/o Zor Khan and Shahzeb s/o Aurangzeb are admitted to bail subject to their furnishing solvent surety in the sum of Rs.50,000/- [Rupees Fifty Thousand] each 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 and would not influence the learned Trial Court while deciding the case of the applicants on merits.

**JUDGE**

*\*Hafiz Fahad\**