

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

Criminal Bail application No.S-1047 of 2025

Applicant : Khalid son of Abdul Haq Brohi through M/s. Zaffar Ali Laghari and Mansoor Ali Laghari, advocates.

Respondent : The State, through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.

Date of hearing : **01.10.2025**

Date of order : **01.10.2025**

ORDER

TASNEEM SULTANA, J.- The applicant, namely Khalid, seeks post-arrest bail in Crime No.251 of 2025, registered at Police Station Jamshoro, District Jamshoro, under Section 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019. His bail plea was earlier declined by the learned Additional Sessions Judge-II, Kotri, vide order dated 27.08.2025.

2. It is alleged in the FIR that on 16.08.2025 the present applicant was apprehended by police party of PS Jamshoro headed by ASI Muhammad Khan Solangi, while driving Corolla Altis car from which 12-sacks containing 500 packets of “Z-21” were recovered.

3. Learned counsel for the applicant contended that the alleged offence do not fall within the prohibitory clause of Section 497 Cr.P.C., as maximum punishment provided therein is three years; that there exist no reasonable grounds to believe that the applicant committed the alleged offence; that the case rests on police witnesses only, who are interested and subordinate officials; that no independent mashir was associated, which diminishes credibility; that the applicant has remained in custody since 16.08.2025; that applicant is neither a hardened nor previous convict, hence his case falls within the scope of “further inquiry” under Section 497(2) Cr.P.C. Reliance is placed on 2022 PCrLJ 143 (*Muhammad Eidan versus The State*) and 2022 PCrLJ Note 118 (*Abdul Aziz versus The State*).

4. Conversely, learned Deputy Prosecutor General opposed the instant bail application, and contended that huge recovery of hazardous Gutka was effected from the vehicle driven by the applicant, his name is specifically mentioned in FIR; that the offence under the Gutka and Manpuri Act, 2019, affects the society at large; that no malafide is attributable to the police for false implication.

5. Heard and record perused.

6. It is manifest from the record that the recovery was allegedly effected from the vehicle driven by the applicant. Whether such recovery can legally be attributed to the applicant is a matter that requires determination by the trial Court after recording of evidence. At this stage, the Court is not expected to enter into deeper appreciation of evidence but only to assess whether reasonable grounds exist for believing that the applicant/accused is connected with the commission of the alleged offence. The absence of any independent mashir from the locality, despite the occurrence at a public place, calls for further inquiry into the prosecution case.

7. It is also relevant to note that the maximum punishment provided under Section 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019 is three years. In such like cases grant of bail is a rule and refusal will be exception. In this regard reliance is placed upon the cases of *Tarique Bashir and 5 others v. State (PLD 1995 SC 34)* and *Muhammad Tanvir and another versus The State (PLD 2017 SC 733)*.

8. The investigation in the case has been completed, and challan has already been submitted before the competent Court. Hence, the continued detention of the applicant would serve no useful purpose, particularly when there is no apprehension of tampering with prosecution evidence, which primarily comprises of police witnesses.

9. In view of above legal position, the case of the applicant falls within the ambit of further inquiry under Section 497(2), Cr.P.C. Accordingly, instant Criminal Bail Application is allowed. Consequently, applicant Khalid son of Abdul Haq Brohi is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and PR bond in the like amount to the satisfaction of Trial Court.

10. Needless to mention that observations made hereinabove are tentative and shall not prejudice the learned Trial Court at the stage of trial.

JUDGE

Irfan Ali