

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-266 of 2025

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Applicants: 1. Sarfaraz Ahmed S/o Allah Ditta,
2. Nehal S/o Murad alias Sardar,
Through Mr. Asif Chaudhry & Mr. Abdul
Raheem Chandio, Advocates.

Respondent: The State
Through Mr. Dhani Bakhsh Mari, A.P.G.

Date of Hearing: 29.10.2025

Date of Order: 29.10.2025

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ORDER

Shamsuddin Abbasi, J-: Applicants Sarfaraz and Nehal seek post-arrest bails in Crime No.69 of 2025, under Section 6/8 Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka Act, 2019, registered at Police Station Kot Ghulam Muhammad, after the same was declined by the learned Additional Sessions Judge-I, Mirpurkhas vide order dated 23.09.2025.

2. It is the case of the prosecution that on 13.07.2025 at about 06:30 p.m., complainant ASI Ahsan Ali of PS Kot Ghulam Muhammad recovered huge quantity of Gutka and other articles which are prohibitory under Section 6/8 Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka Act, 2019. Police arrested co-accused Manthar at the scene of offence who was admitted on post arrest bail vide order dated 17.07.2025. The applicants have filed their pre-arrest bail and the same was dismissed by this court vide order dated 13.08.2025.

3. Learned counsel for the applicants mainly contended that co-accused Manthar whose case is identical to the case of present applicants

has been admitted on post arrest bail vide order dated 17.07.2025, therefore, the applicants are entitled for grant of bail on the point of rule of consistency.

4. Learned A.P.G for the State has opposed for grant of bail to the applicants on the ground that huge quantity of Gutka and other articles were recovered and the applicants are nominated in the F.I.R, as such, they are not entitled for grant of bail.

5. Heard learned counsel for the applicants, learned A.P.G for the State and perused the record.

6. No doubt, the alleged offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C and grant of bail in like cases is a rule and its refusal is an exception as held in a case of *Muhammad Tanveer v. The State and another* reported in **PLD 2017 S.C 733**. However, the trial court has granted post arrest bail to the co-accused Manthar. The case is identical to the case of present applicants, therefore, they are entitled for grant of same relief on the rule of consistency. The case has been challanned and they are no more required for further investigation. No purpose would be served out to keep them incarceration.

7. In view of the above, the applicants are admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) each and a P.R. Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal