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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st. Crl. Bail Appln. No.S-231 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For hearing of bail application.

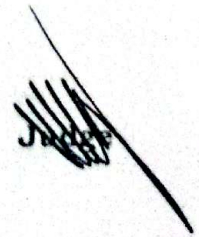
26.05.2025

M/s Imam Ali Chang and Ghulamullah Chang, advocates for the applicants.

Mr. Ali Anwar Kandhro, Addl. P.G.

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Heard learned counsel for the applicants and learned Addl. P.G, appearing for the State. For the reasons to be recorded later on, instant Crl. Bail Application is allowed. Applicants Manzoor Ahmed son of Abdul Qadir and Izatullah son of Ahmedullah Kakar are granted bail in Crime No.52 of 2024 registered at PS Abad, Jacobabad for offence punishable under sections 4-8 (i) Sindh Probation of Preparation, Manufacturing, Storage, Sale and Use of Ghutka and Manpuri, Act, 2019, subject to their furnishing solvent sureties in the sum of Rs.100,000/- (Rupees one hundred thousand only) each and P.R bonds in the like amount to the satisfaction of learned trial Court.



M Yousuf Panhwar/ **

DATE ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on office objection.
2. For hearing of Bail Application.

M/s Imam Ali and Ghulamullah Chang, Advocates for the applicants.
Mr. Ali Anwar Kandhro, Addl. P.G.

Date of hearing : 26.05.2025.
Date of decision : 26.05.2025.

ORDER

Muhammad Saleem Jessar, J- Through this application, applicant Manzoor Ahmed son of Abdul Qadir Achakzai and Izatullah son of Ahmedullah Kakar Pathan, seek their release on post arrest bail in Crime No.52/2024 registered with Police Station Abad, Jacobabad, for offence under Sections 4, 8(i) of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Ghutka and Manpuri Act, 2019. The applicants preferred bail application before the Court of Sessions Judge, Jacobabad, who turned down their request through order dated 16.01.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Learned counsel for the applicants submit that punishment provided by law / Sindh Prohibition of Preparation, Manufacturing, Storage, Sale & Use of Gutka, Mainpuri Act, 2019 (herein after referred as Act, 2019) is three years; hence, does not exceed limits of prohibitory clause of Section 497(i) C.P.C. They further submit that applicants are the first offenders, therefore, they deserve leniency. They next submit that in such like cases grant of bail is a rule while refusal will be an exception. They therefore, pray for grant of bail.

4. Conversely, learned Addl. P.G appearing for the State, does not oppose the bail application.

5. Heard learned counsel for applicants, learned Addl. P.G for the State and perused record as well as Act, 2019.



6. It appears that applicants are shown to have been in possession of items used for preparation of Mawa/Gutka, which they allegedly were transporting and subsequently were intercepted and apprehended by police. The allegation leveled by prosecution in the F.I.R falls within the definition of sections 3, 4, 5, 6 and 7 of the Act, 2019, which are punishable u/s 8 of the Act, 2019. For sake and convenience, it will be appropriate to reproduce section 8 of said Act which reads as under:-

8. (1) Whoever contravenes the provision of sections 3, 4, 5, 6 and 7 shall be punishable with imprisonment which may extend to three years but shall not be less than one year and shall also be liable to fine which shall not be less than two lacs (two hundred thousand) rupees.

(2) In case of default of payment of fine under sub-section (1), the accused shall undergo an additional imprisonment extending to six months and in case of subsequent offence shall be punished with imprisonment for a term which may extend to ten years but shall not be less than five years and fine which shall not be less than five lacs (five hundred thousand) rupees.

7. Prima facie, the punishment u/s 8(i) as provided by the Act, 2019, is three (03) years, which does not exceed limits of prohibitory clause of Section 497 Cr.P.C. In such like cases, grant of bail is a rule and refusal will be an exception. In this regard, reliance can be placed upon the cases of *Tarique Bashir & 5 others v. The State* (PLD 1995 SC page 34) and *Muhammad Tanvir and another v. The State* (PLD 2017 SC page 733).

8. In view of the above legal position, I am of the view that applicants have successfully made out a good prima facie case of further enquiry as envisaged under sub-section (2) to Section 497 Cr.P.C. Accordingly, instant Criminal Bail Application was allowed by a short order dated 26.05.2025. Above are the reasons for the same.

JUDGE