

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-480 of 2026

(Muhammad Waseem vs. The State)

Applicant : Muhammad Waseem s/o Khaleel Ahmed
Through Mr. Muhammad Saleem Kunbhar, Advocate.

Respondent : The State
Through Mr. Neel Parkash, D.P.G.

Date of hearing : 21.10.2026

Date of Order : 21.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Muhammad Waseem s/o Khaleel Ahmed, seeks post arrest bail under Section 497 Cr.P.C., in F.I.R., bearing Crime No.32 of 2026, registered at Police Station Old Mirpur for offence punishable under Sections 4/8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act, 2019. His earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 05-08-2026 passed in Criminal Bail Application No. 905 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant ASI Abdul Salam of C.I.A Centre Mirpurkhas, lodged instant F.I.R., on 28-07-2026 at PS Mirpur Old alleging therein that on the same date, he along with HC Parvez Ali, PC Dedha Ram, PC Abdul Hakeem, and DPC Ghaffar, departed from CIA Centre, Mirpurkhas in official vehicle No. SPG-039, vide Daily Diary Entry No. 16, at 0030 hours, for patrolling. While patrolling at various places, when they reached KFC Chowk, they received secret information that two persons are sitting in a truck bearing registration No.Z-7474 near the NBP Main Branch and were in possession of hazardous Safina Gutka. Upon receiving this information, they proceeded from there and reached the indicated place at 0130 hours. They saw the said truck parked there, with two persons sitting inside it. They stopped the police mobile and got out. The driver of the truck alighted from the truck and fled away. They identified him as Muhammad Gorchani, resident of Mirwah town. They apprehended the other person. On inquiry he disclosed his name as Muhammad Waseem Malik. They searched the truck and found 10 blue-coloured sacks lying inside its cabin. Upon opening and checking the sacks, they

found 30 packets of hazardous Safina Gutka in each sack, totaling 300 packets. Each packet contained 110 pouches, making a total of 33,000 pouches of hazardous Safina Gutka. Thereafter, they conducted a personal search of accused Muhammad Waseem and recovered 20 currency notes of Rs. 1,000/= each, amounting to Rs.20,000/=, from the right-side pocket of his shirt. Out of the recovered hazardous Safina Gutka, five satchet were separated, sealed, and secured for chemical analysis, while the remaining 32,995 satchet were separately sealed in the same sacks. After preparation of such memo, they brought the accused and recovery property at P.S, where complainant lodged instant F.I.R.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated in this case by the police for ulterior motives. He next contended that despite prior spy information, no private person was associated as mashir and both mashirs are police officials. He further contended that the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C; the challan has already been submitted and the applicant is not required for further investigation. He, therefore, prays for the grant of bail to the applicant.

4. Conversely, learned Deputy Prosecutor General opposes the application, arguing that police apprehended the applicant red handed when he and co-accused were transporting large quantity of harmful Gutka in a truck; that police officials are competent witnesses unless malafide is established against them and that the offence is against public health and society at large. He, therefore, prays for dismissal of instant bail application.

5. Heard arguments and perused the material available on record. The allegation against the applicant in nut shell is that police recovered 33000 sachets of Safina Gutka from the truck, in which applicant and absconding accused was boarded. The alleged offence does not fall within the ambit of prohibitory clause of Section 497(1) Cr.P.C, wherein bail is rule and refusal is an exception. Moreso, all the prosecution witnesses are police officials and there is no likelihood of tampering with the prosecution evidence if the applicant is enlarged on bail. When confronted, learned D.P.G half-heartedly supported the prosecution case.

6. For the foregoing reasons and without expressing any final opinion on the merits of the case, the applicant has succeeded in making out a case for grant of post arrest bail. Consequently, the applicant namely Muhammad Waseem s/o Khaleel Ahmed is admitted on bail subject to furnishing a solvent surety in the

sum of Rs.200,000/= (Rupees Two Hundred Thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial court.

7. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

The instant bail application stands **allowed** accordingly.

JUDGE

Saleem

