

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-488 of 2026
(*Abdul Qadeer and another vs. The State*)

Applicants : 1. Abdul Qadeer s/o Abdul Jabbar.
2. Muhammad Shoaib s/o Haji Abdul Raheem
Through Mr. Sunil Kumar, 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, applicants Abdul Qadeer s/o Abdul Jabbar and Muhammad Shoaib s/o Haji Abdul Raheem, seek post arrest bail under Section 497 Cr.P.C., in F.I.R., bearing Crime No.209 of 2026, registered at Police Station Sanghar for offence punishable under Sections 5-8(i) of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act, 2019. Their earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge-I/MCTC, Sanghar, vide order dated 31-07-2026 passed in Criminal Bail Application No. 1098 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant ASI Ali Hassan Brohi lodged instant F.I.R., on 19-07-2026 at PS Sanghar alleging therein that on the same day, he along with PC Qamar-uz-Zaman, PC Aftab Ahmed, PC Sadiq Ali and driver PC Muhammad Owais in official vehicle No. SPG-474, left CIA Centre Sanghar pursuant to Roznamcha Entry No. 08 at 1300 hours for the purpose of arresting offenders and conducting checking. While patrolling along the Sanghar–Mirpurkhas Road, they reached near Har Cemetery, where they stopped the vehicle, got out and commenced checking of vehicles. At about 1330 hours, a white-coloured Toyota Yaris car without registration number plate was found coming from the side of Sanghar city. They signaled it to stop; however, upon seeing the police party, the driver immediately accelerated the vehicle and attempted to flee, but they chased the said car and stopped it by positioning their vehicle in front of it. They then got out and

observed that two persons were sitting inside the car. On inquiry, driver of the car disclosed his name as Abdul Qadeer Bugti. From his personal search, one currency note of Rs. 500/= was recovered from the right-side pocket of his shirt. The second person disclosed his name as Muhammad Shoaib Bugti. Nothing was recovered from his possession. Thereafter, they checked the car and recovered 13 white-coloured plastic sacks lying on the rear seat and in the diggy. Upon checking, eleven sacks were found containing red-coloured packets of harmful and injurious Sikoon Gutka, each sack contained 50 packets, making a total of 550 packets; each packet contained 100 small sachets, totaling 55,000 sachets. Two sacks were containing green-coloured packets of harmful and injurious Aadab Gutka. Each sack contained 50 packets, total 100 packets. Each packet contained 100 small sachets totaling 10,000 sachets. For chemical examination, one packet each of Sikoon Gutka and Aadab Gutka were taken and separately sealed. The remaining sacks were also sealed separately. Rs. 500/= currency note recovered from accused Abdul Qadeer was separately wrapped in white cloth. Upon further questioning, both arrested accused disclosed that the sacks of Gutka belonged to Aslam Khattak and Jameel Bugti, both residents of Jhat Pat, Baluchistan. They further disclosed that they were transporting the Gutka for delivery to Mashooque Soomro and Abdul Majeed, both residents of Phulladiyoon, for the purpose of sale. They also stated that they did not have the vehicle's documents in their possession. Then after preparation of such memo, they brought the accused and recovered property at P.S, where complainant lodged instant F.I.R.

3. Learned counsel for the applicants contended that the applicants have been falsely implicated in this case by the police due to political rivalry. He next contended that 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 applicants are not required for further investigation. He, therefore, prays for the grant of bail to the applicants.

4. Conversely, learned Deputy Prosecutor General opposes the application, arguing that police apprehended the applicants red handed when they were transporting large quantity of harmful Gutka in a car; 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 applicants in nut shell are that they were transporting 65000 sachets of Sikoon and Adab Gutka in a car. The alleged offence does not fall within the ambit of prohibitory clause of Section 497(1) Cr.P.C, wherein grant of 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 applicants are 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 applicants have succeeded in making out a case for grant of post arrest bail. Consequently, the applicants namely Abdul Qadeer s/o Abdul Jabbar and Muhammad Shoaib s/o Haji Abdul Raheem are admitted on bail subject to furnishing a solvent surety in the sum of Rs.200,000/= (Rupees Two Hundred Thousand only) each 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

