

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

Criminal Bail application No.S-620 of 2026

Applicant : Dilshad son of Gullan Memon
through Mr. Mumtaz Sachal Awan,
Advocate.

Respondent : The State, through Mr. Khalid Hussain
Lakho, Deputy Prosecutor General,
Sindh.

Date of hearing : **15.06.2026**

Date of order : **15.06.2026**

ORDER

TASNEEM SULTANA, J.: The applicant, namely Dilshad, seeks post-arrest bail in Crime No. 123 of 2025, registered at Police Station Shaheed Fazil Rahu, 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 Sessions Judge, Badin vide order dated 30.04.2026.

2. Brief facts of the case are that on 24-04-2026 at approximately 1600 hours, ASI Ghulam Nabi along with PC Abdul Hameed and PC Zulfiqar Ali were patrolling at Golarchi Badin Bypass Road where they came across three persons in possession of white plastic bags containing gutka. Upon noticing the police, the accused persons attempted to flee. The applicant and others fled away after leaving the plastic bags behind. One of the fleeing persons, Bashir Ahmed, was apprehended at the spot. During interrogation, Bashir Ahmed disclosed his involvement along with Rashid Panhwar and Dilshad Memon in preparation and sale of gutka.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that applicant's involvement is based solely on the disclosure of co-accused Bashir Ahmed; that there is no direct evidence or recovery from the applicant; that applicant was not present at the place of incident; that maximum punishment is three years; that grant of bail is rule and refusal exception; that case rests on police witnesses who are interested and subordinate officials; that no independent mashir was associated; that applicant has no criminal history.

He relied upon the cases of Muhammad Eidan versus The State (2022 PCLj 143) and Abdul Aziz versus The State (2022 PCrLJ Note 118) in support of his contention.

4. Conversely, learned Deputy Prosecutor General opposed the bail application, submits that large quantity of illegal gutka was recovered; that applicant's name is specifically mentioned in FIR through disclosure by arrested co-accused; that no mala fide is attributable to police.

5. Heard and record perused.

6. It appears from the record that the applicant's involvement is based entirely on the disclosure made by the arrested co-accused Bashir Ahmed during interrogation. The applicant was neither apprehended at the place of incident nor was any recovery made from his possession. Whether the applicant can be legally connected to the alleged offence is a matter for the trial Court after recording of evidence. The absence of any independent mashir, despite the public place occurrence, coupled with involvement resting solely on the statement of co-accused, calls for further inquiry within the meaning of section 497(2) Cr.P.C.

7. 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 cases grant of bail is a rule and refusal is 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). The case has been formally charged; there is no apprehension of tampering with evidence as all witnesses are police officials.

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case of further inquiry under Section 497(2) Cr.P.C. Consequently, this pre-arrest bail application is allowed. The interim pre-arrest bail already granted to the applicant vide order dated 19.05.2026 is hereby confirmed on the same terms and conditions.

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

JUDGE

Ahmed/Pa,