

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

Criminal Bail application No.S-405 of 2026

Applicant : Hazrat Ali alias Hazrat Gul
through Mr. Sajjad Ali Gopang,
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.— Through the instant Criminal Bail Application, the applicant Hazrat Ali alias Hazrat Gul seeks pre-arrest bail in Crime No.100 of 2023, registered at Police Station Kotri, under Section 8(i) of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019. His earlier bail application No.263 of 2026 was dismissed by the learned Additional Sessions Judge-I, Jamshoro vide order dated 04.03.2026 on account of non-prosecution.

2. Brief facts of the prosecution case are that on 05.04.2023, police party of P.S. Kotri/PP Telegraph, headed by ASI Ayaz Ali Abro, while patrolling near Khada Colony, stopped Toyota Corolla car bearing registration No.AET-972, driven by accused Asadullah. On checking, five sacks of Adab Gutka Mava and five sacks of Safina Gutka were allegedly recovered from the said vehicle. The arrested accused disclosed that he had picked the said property from Hazrat Gul and was to deliver it to Sher Muhammad Sindhi at Hyderabad. It was further alleged that, on verification, the vehicle was found registered in the name of Hazrat Ali; hence the FIR was lodged.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated in this case; that he was not present at the spot; that the alleged recovery was made from the vehicle driven by co-accused Asadullah and not from the applicant; that the name of the applicant has come only through the statement of co-accused; that mere registration of

the vehicle in the name of the applicant, without any direct recovery or material showing his knowledge, makes the case one of further inquiry; that all witnesses are police officials and no private mashir was associated, though the alleged recovery was made at a public place; that the offence does not fall within the prohibitory clause of Section 497, Cr.P.C.; and that the applicant is ready to face trial. He lastly prayed that interim pre-arrest bail already granted to the applicant may be confirmed. Reliance is placed upon 2022 PCr.LJ 143 (Muhammad Eidan versus The State) and 2022 PCr.LJ Note 118 (Abdul Aziz versus The State).

4. Conversely, learned Deputy Prosecutor General opposed the bail application and contended that huge quantity of Gutka/Mava was recovered from the vehicle; that the arrested co-accused disclosed the name of present applicant; that the vehicle used in the offence is registered in the name of the applicant; that the offence affects public health and society at large; and that the applicant is not entitled to the extraordinary concession of pre-arrest bail.

5. Heard and record perused.

6. It appears from the record that the alleged recovery was made from the vehicle driven by co-accused Asadullah, whereas the present applicant was not present at the spot and no recovery was effected from him. His connection with the alleged recovery is based on the disclosure made by the arrested co-accused and the record relating to ownership of the vehicle. Whether such material is sufficient to connect the applicant with conscious possession or transportation of the alleged contraband cannot be finally determined at bail stage.

7. It is also relevant that no independent mashir from the locality appears to have been associated, although the alleged recovery was effected at a public place. These aspects, coupled with the fact that the punishment provided for the offence under Section 8(i) of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019 does not fall within the prohibitory clause of Section 497, Cr.P.C., bring the case within the ambit of further inquiry. In such like cases, grant of bail is a rule and refusal is an exception. Reliance in this regard may be placed upon Tariq Bashir and 5 others v. The State (PLD 1995 SC 34) and Muhammad Tanvir and another v. The State and another (PLD 2017 SC 733).

8. In view of the above facts and circumstances, the instant bail

application is allowed and the interim pre-arrest bail granted to the applicant/accused vide order dated 02.04.2026 is confirmed on the same terms and conditions.

9. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the learned trial Court at the time of trial.

JUDGE

Ahmed/Pa,