

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

Criminal Bail Application No.S-352 of 2025

Applicant: Syed Ahmed Ali S/o Hamid Ali Bukhari through
Mr. Muhammad Kaleemullah Memon, advocate.

The State: Through Ms. Safa Hisbani, Assistant Prosecutor
General

Date of Order: 27.06.2025.

ORDER

Muhammad Osman Ali Hadi, J – Through the instant bail application, the applicant/accused above-named seeks post-arrest bail in Crime No.11/2025 u/s 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Guthka and Mainpuri Act, 2019, registered at Police Station Gulab Laghari, Sukkur, after his bail plea was declined by the learned Judicial Magistrate-I, Matli vide order dated 18.03.2025, and the Additional Sessions Judge, Matli vide order dated 22.03.2025.

2. Learned counsel for applicant submits that applicant was arrested on 13.03.2025 where he was found in possession of an unregistered vehicle and had 14 white sacks containing 50 packets of Safina Guthka. In each sack there were a total of 700 packets, and each packet containing 1100 sachets, total-ling 77000 sachets of Safina Ghutka. Learned counsel submits that despite lapse of four months, a trial has not yet been commenced. He further contends that u/s 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Guthka and Mainpuri Act 2019, the punishment is between one to three years. Therefore, he states that he is entitled for concession bail. Additionally, he submits that the co-accused was granted pre-arrest bail, which is currently in effect and on the doctrine of consistency the applicant should also be allowed bail. Learned counsel submits that the wife of the accused is suffering from a severe medical condition in which the accused is required to help, support and assist her, which he is unable to do, despite the fact that the trial has not yet even begun. Learned counsel relies upon case law reported in PLD 1995 S.C. 34.

3. Conversely, the learned A.P.G submits that this quantity recovered is extremely large in amount, which was found along with the unregistered car in the accused's possession. She submitted the accused is a repeated / habitual offender and a menace to society. She further submits that if bail is granted to

accused, there is great a risk that accused may abscond or otherwise pervert fair trial proceedings.

4. I have heard the learned counsels, and after going through the material alongwith their able assistance, I have found that whilst the accused may appear to be a repeated offender, he has already been in detention for three months without a trial having even begun. Keeping in mind the concerns of the State, while weighing the liberty of the accused, it is hereby directed that the learned Trial Court immediately commence and conclude the trial within a maximum period of four weeks from today. In the event such trial is not concluded within the stipulated period of four weeks (other than any delay caused on the part of the accused), then the accused shall at liberty to file a fresh application for bail, which should be considered on its own merits, particularly keeping in mind that the maximum punishment of the alleged offence is three years and that accused has already been in custody for over three months. Accordingly, this Bail Application stands disposed of.

Asif. I khan

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