

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-555 of 2025

Applicant: Usama *through* Mr. Muhammad Qayoom Arain,  
Advocate

Respondent: The State, *through* Mr. Attaullah, P.I for Railway

Date of hearing: 17.7.2025

Date of decision: 17.7.2025

## **ORDER**

**Muhammad Jaffer Raza, J.-** Through instant criminal bail application, applicant Usama son of Muhammad Saeed, by caste Arain, seeks post-arrest bail in FIR No.14/2025, registered at Police Station Paddidan, District Naushahro Feroze, for the offence punishable under Section 3 and 4 of Prohibition (Enforcement of Hadd) Order, 1979 (“**Order, 1979**”).

2. Learned Counsel for the applicant has argued that he has been incarcerated from 06.6.2025 and the offences under the above noted Order, 1979, entail a maximum sentence of five and two years, respectively. He has further argued that vide order dated 24.06.2025, the learned Court of Sessions Judge, at Naushahro Feroze, dismissed his bail application bearing Cr. Bail Application No.1338 of 2025. He has further argued that the accused is innocent and only one out of 48 alleged bottles was sent for chemical examination, hence, his case falls within further inquiry and he is entitled for the concession of bail. He has further argued that the applicant is student of B.Sc aged only 20 years and his further incarceration would adversely affect his education and career process. He has lastly contended that there is no compliance of Section 103 of the Cr.P.C and the witnesses of the prosecution are interested persons. He has relied upon the cases of **Waqar Hussain Shah<sup>1</sup>, Liaqat alias Lucky<sup>2</sup>, Zulfiqar Ali<sup>3</sup> and Mohammad Saleem<sup>4</sup>**.

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<sup>1</sup> Waqar Hussain Shah v. The State through Advocate-General AJ&K (2013 YLR 1286)

<sup>2</sup> Liaqat alias Lucky v. The State (2008 YLR 1623)

<sup>3</sup> Zulfiqar Ali v. The State (2022 P.Cr.L.J 653)

<sup>4</sup> Mohammad Saleem and another v. The State through Additional Advocate General (2017 YLR 2170)

3. Conversely, learned prosecutor appearing on behalf of Railway Police has argued that the applicant was apprehended at the scene of the crime and he was carrying **“two shoppers”**, in which only 24 bottles each of Alcohol was found. He has further argued that the said applicant was making an attempt to escape the scene through the railway yard and did not make an attempt to cross the normal exit and on inquiry by the Railway Police, he was found to be in possession of 48 bottles and therefore, recovery was made from him. He has further argued that the applicant allegedly runs a shop where he was taking the above noted bottles. He has lastly prayed for the dismissal of the instant bail application and has stated that even when the offence falls outside the prohibitory clause in relevant circumstances, the bail application can be dismissed.

4. I have heard the learned counsel for the respective parties and perused the record available before me.

5. It is apparent upon bare perusal of Sections 3 and 4 of the Order, 1979 that both the offences falls outside of the prohibitory clause of section 497 Cr.P.C. It is further observed that only one bottle was sent for chemical examination, hence, the case of applicant falls clearly within further inquiry.

6. In light of the above noted circumstances, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand), along with P.R in the like amount, to the satisfaction of trial Court.

7. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

**JUDGE**