

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

Crl. Bail Application No.S-198 of 2025

Applicants: 1. Sarfaraz Ahmed S/o Allah Ditta,
2. Nehal S/o Murad,
3. Amjad Hussain S/o Khan Muhammad,
Through Mr. Asif Chaudhry, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, D.P.G.

Date of hearing: 13.08.2025

Date of order: 13.08.2025

ORDER

Amjad Ali Sahito, J: Through this Bail Application, the applicants/accused seek pre-arrest bail in Crime No.69/2025 for offence under sections 6/8 of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act, 2019 registered at PS Kot Ghulam Muhammad, after their bail plea has been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 21.07.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicants/accused are innocent and have been falsely implicated in this; neither the applicants/accused has any factory nor are they involved in the activity of preparation of Gutka; the police have booked the applicants/accused falsely due to non-payment of illegal gratification, and nothing has been recovered from their possession. He further submits that during patrolling, the complainant received spy information but failed to associate any private mashirs; the place of incident is a residential area and no independent witness has been picked. He further submits that the police have failed to prove the case against the applicants/accused. Lastly, he prayed for confirmation of the bail.

4. On the other hand, learned D.P.G has vehemently opposed the grant of bail to the applicants/accused and states that accused

Amjad Hussain is involved in 19 similar cases, whereas co-accused Nehal and Sarfaraz are involved in two similar cases of the same nature, and one of the applicants/accused namely Nehal was released by the trial court after paying fine.

5. Heard and perused.

6. From the perusal of the record, it reflects that on tip of secret information that applicants/accused are running gutka factory in the house, as such raid was conducted wherein following articles were recovered: -

1. 13 tubs containing prepared gutka,
2. 18 small sacks containing lime (Chona),
3. 03 big drums containing Katha,
4. 04 big drums containing lime,
5. One big iron pot (Karhai),
6. 03 sacks containing Jaggary,
7. 04 sacks containing scrap papers,
8. 15 sacks containing mix tobacco,
9. 01 sack containing used wrapper for filling gutkas,
10. 50 sachets containing prepared Gutkas,
11. 04 small iron drums,
12. 04 filters (Channi),
13. One motorcycle,
14. 50 shoppers of prepared gutkas, each containing 26 sachets, total 1300 sachets.

7. The criminal antecedents of the applicants/accused reveal that subsequent to the grant of pre-arrest bail, they have once again engaged in similar unlawful activities. In particular, applicant/accused Amjad Hussain stands implicated in 19 similar cases, while co-accused Nehal and Sarfaraz are each involved in two such cases. This demonstrates that, after availing the concession of pre-arrest bail, they have misused the same by indulging in the sale of gutka, an act which contributes to the spread of cancer within society. At the bail stage, only a tentative assessment is to be made. Furthermore, no allegation of ill-will or mala fide has been attributed by the applicants/accused against the complainant party. Sufficient

material is available on record to connect the applicants/accused with the commission of the alleged offence. The learned counsel for the applicants/accused has failed to establish a case warranting the confirmation of interim pre-arrest bail. Accordingly, the bail application filed on behalf of the applicants/accused stands **dismissed**. The interim bail granted to the applicants/accused vide order dated **23.07.2025** is hereby **recalled**.

8. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

****Faisal****