

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**Criminal Bail Application No.2719 of 2023**

Date	Order with signature of Judge
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For hearing of bail application.

**12.01.2024.**

Mr. Muhammad Yousuf, Advocate for the applicant.  
Mr. Muhammad Iqbal Awan, Additional Prosecutor General  
Sindh.

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**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Waqas Ali Qureshi S/o. Anwar Ali is being proceeded before the XXIIInd Judicial Magistrate Karachi South in respect of FIR No.253/2023 U/s. 8a(i) Gutka Mawa Act, 2019 registered at P.S. Eidgah, Karachi. The applicant had applied for the grant of pre-arrest bail which was declined by the court of Additional Sessions Judge Karachi (South) vide order dated 16.10.2023.

2. The brief facts of the case as per FIR are that police based on spy information apprehended a person namely Mehran who had in his possession a large quantity of Gutka, hence FIR was lodged against him in respect of the above offences. During the course of interrogation the accused Mehran disclosed the name of the applicant as being involved in the aforesaid offence.

3. I have heard the parties and considered the record.

4. The applicant is not named in the FIR and has not been given any specific role. The applicant has been involved in this case on the statement of Mehran who is co-accused. It is well settled law that statement of one accused against co-accused has no evidentiary value. The applicant was not arrested at spot and nothing was recovered from him. Even otherwise the maximum sentence under the law for the offence is 03 years. As a general rule in cases where the maximum sentence is less than 10 years the bail should be granted unless some exceptional circumstance exist to

decline the bail. Learned Additional Prosecutor General has not been able to point out any exceptional circumstance which exists in this case which would justify the refusal of bail.

5. Based on the above discussion pre-arrest bail of the applicant Waqas Ali Qureshi S/o. Anwar Ali is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

6. This pre-arrest bail application is disposed of in the above terms.

JUDGE

*M. Arif*