

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.133 of 2024.

Date	Order with Signature of Judge
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For hearing of Bail Application.

19.03.2024.

Miss. Umm-e-Habiba, Advocate for the Applicant.
Mr. Mumtaz Ali Shah, Asstt. Prosecutor General Sindh.

Muhammad Karim Khan Agha, J. Applicant Samar Abbas is facing trial before the XVIIth Judicial Magistrate (Central) Karachi in respect of Crime No.499 of 2023 u/s.3/4/6/8 Gutka Mawa Act registered at PS Hyderi Market, Karachi. He applied for post arrest bail in the Court of 1st Additional Sessions Judge (Central) Karachi however the same was declined vide order dated 05.01.2024. Hence he has approached this Court for post-arrest bail.

2. Brief facts of the case are that on 11.12.2023 a police party raided a house in North Nazimabad whereby a large quantity of chemicals were recovered for the use of manufacturing Gutka and Mawa and arrested the appellant on the spot. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the parties and perused the record.

4. The offence for which the applicant has been charged carries maximum sentence of 03 years in jail and in such like cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case although a large quantity of chemical has been recovered I do not find any exceptional circumstance to withhold granting of post arrest bail. All the chemicals have been sealed at the spot and as such cannot be tampered with by the applicant. Applicant has been in jail for about last 03 months and the charge has not yet been framed. The applicant is also no longer required for further investigation.

5. Based on the above discussion, applicant **Samar Abbas s/o Muhammad Qasim** is hereby granted post arrest bail subject to furnishing solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lacs Only) and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS