

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

**Crl. Bail Application No.S-267 of 2025**

**Applicant:** Ahmed Ali S/o Muhammad Ali Jatoi,  
Through Mr. Zaffar Ali Laghari, Advocate.

**Respondent:** The State.  
Through Mr. Mazhar Ali Sial, A.P.G.

**Date of hearing:** 06.11.2025

**Date of Order:** 06.11.2025

**O R D E R**

**Shamsuddin Abbasi, J:** Through this Bail Application, the applicant/accused seeks post arrest bail in F.I.R No.52/2025 for offence punishable under section 4/8 of Sindh Prohibition of Preparation, Manufacturing, Store, Sale and Use of Gutka and Manpuri Act, 2019 registered at P.S Taluka Mirpurkhas, after rejection of his bail plea by the learned trial Court vide order dated 02-10-2025.

2. It is the case of the prosecution that on 18-09-2025 at about 1200 hours, complainant ASI Ghulam Akber Laghari of PS Taluka Mirpurkhas recovered huge quantity of harmful Safina Gutkas which are prohibitory under Section 6/8 Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka Act, 2019. The applicant has firstly filed his post arrest bail and the same was dismissed by learned Consumer Protection Judge/C.J and J.M Mirpurkhas vide order dated 26-09-2025. After submission of challan, applicant filed 2<sup>nd</sup> post arrest bail application before the learned trial court and same was also dismissed vide order dated 02-10-2025.

3. Learned counsel for the applicant has mainly contended that though complainant received spy information in advance

but he has failed to associate any private person to witness the alleged arrest and recovery which is clear violation of section 103 Cr.P.C; that nothing was recovered from the possession of the applicant; that alleged offence does not come within the ambit of prohibitory clause of section 497(1) Cr.P.C; that the applicant is confined in jail and no more required for the purpose of investigation. Lastly he prayed for the grant of bail.

4. Learned A.P.G for the State has opposed for grant of bail to the applicant on the ground that applicant was arrested red handed when he was transporting huge quantity of harmful Safina Gutka in the vehicle, as such, he is not entitled for grant of bail.

5. Heard learned counsel for the applicant, learned A.P.G for the State and perused the record.

6. No doubt, the alleged offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C and grant of bail in like cases is a rule and its refusal is an exception as held in a case of *Muhammad Tanveer v. The State and another* reported in **PLD 2017 S.C 733**. The case has been challaned and applicant is no more required for further investigation. No purpose would be served out to keep him incarceration.

7. In view of the above, the applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

**JUDGE**

**\*Faisal\***