

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-315 of 2025

Applicant: Taro s/o Loniyo,
Through Mr. Francis Lucas Khokhar, Advocate.

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

Date of hearing: 20.11.2025

Date of Order: 20.11.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks pre-arrest bail in Crime No.86/2025 for offence under Article 3 and 4 of P.E.H.O, 1979 of PS Gharibabad, after dismissal of his bail plea by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 03.11.2025.

2. Brief facts of the prosecution case are that on 22.10.2025, the complainant along with his subordinate staff left the Police Station vide entry No.32 at 0005 hours for patrolling. During snap checking near Tourabad, they received information about liquor being kept and sold at the bethak of Taro Malhi. The police proceeded to the spot at about 0100 hours, where they found the applicant/accused Taro along with one unknown person who allegedly escaped in darkness. Due to non-availability of private mashirs, police cited PC Qamar Zaman and PC Amjad as mashirs and secured 41 cartons of different liquor brands, including whisky and dry gin. Thereafter memo was prepared at the spot and then brought the case property at the Police Station, where the F.I.R was lodged on behalf of the State.

3. Learned counsel for the applicant submits that the property has been foisted upon the applicant due to malafide intention and ulterior motives; that the applicant is innocent, having no criminal record; that the complainant has not associated any independent or private mashirs; and that the alleged offence does not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C. Lastly, he prayed for confirmation of pre-arrest bail.

4. Conversely, learned D.P.G for the State has opposed for the grant of bail to the applicant/accused.

5. Heard learned counsel for the applicant, learned D.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**. No purpose would be served out to dismiss his pre-arrest bail when he has good case for post arrest bail as held in a case of Rana Muhammad Arshad v. Muhammad Rafique and another reported in **PLD 2009 SC 427**. He was not arrested from the scene and no any incriminating material has been recovered from his possession. Case has been challaned and he is no more required for further investigation.

7. In view of the above, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicant vide order dated 10.11.2025 is hereby confirmed on the same terms and conditions.

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