

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-09 of 2026

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Applicants: 1. Shoaib Gul S/o Gul Muhammad,
2. Farmanullah S/o Abdul Khaliq,
Through Mr. Zafar Ali Laghari, Advocate.

Respondent: The State
Through Mr. Dhani Bakhsh Mari, A.P.G.

Date of Hearing: 02.02.2026

Date of Order: 02.02.2026

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ORDER

Miran Muhammad Shah, J-: Applicants Shoaib Gul and Farmanullah seek post-arrest bail in Crime No.392 of 2025 for offence under Sections 5/8 of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale & use of Gutka Mainpuri Act, 2019 registered at Police Station Shahdadpur, after dismissal of their bail plea by the learned Additional Sessions Judge, Shahdadpur, vide order dated 07.01.2026.

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. Learned counsel for the applicants submits that the applicants are innocent and falsely implicated in this case; that the applicants have already been granted bail in the main case Cr. No. 391/2025 registered under section 9(3)(c) CNS Act, 2024 arising out of the same incident; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. Lastly, he prayed for grant of bail.

4. Conversely, learned A.P.G Sindh has vehemently opposed for grant of bail to the applicants/accused.

5. Heard learned counsel for the applicants, learned A.P.G for the State

and perused the record.

6. It transpires that two different FIRs were lodged of the crime committed simultaneously and the recovery was joint in nature. In one F.I.R bearing Cr. No.391/2025 under section 9(3)(c) CNS Act, 2024, the recovery of 1100 grams and 1400 grams of charas were allegedly made whereas in the present F.I.R, 10,890 sachets of Gutka were recovered. However, the present applicants/accused have already been granted bail in the case registered under section 9(3)(c) CNS Act, 2024 which perhaps could be declared as the main case whereas bail is disallowed in the present case by the learned Additional Sessions Judge, Shahdadpur. When recovery is joint, bail cannot be granted in one offence and refused in the other. Since the alleged recovery was made at the same time, from the same applicants/accused and through the same recovery proceedings, both are to be considered for bail. The offence carries punishment up to three years on the higher side and does not fall within the prohibitory clause of Section 497 Cr.P.C and in such like cases, grant of bail is a rule and refusal is an exception.

7. In view of the above, the applicants are admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each 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