

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**Cr. Bail Application No.S-642 of 2026.***[Muhammad Mithan & another Vs. The State]*

Applicants : Muhammad Mithan & another **through** Mr. Abdul Majeed Magsi, Advocate.

Respondent : The State **through** Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

Date of Hearing : 06.07.2026.

Date of Decision : 06.07.2026.

ORDER

Syed Fiaz ul Hassan Shah, J :- The Applicants above-named seek post-arrest Bail in F.I.R No.278/2026, registered at Police Station Badin for offence punishable under Section 8 of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka Manpuri Act, 2019. Previously, they applied for the same relief before learned Sessions Judge, Badin but the request was declined vide order dated 20.05.2026.

2. The Applicants booked in crime No.278 of 2026 of PS Badin on the allegation that on 07.05.2026 at about 1730 hours during patrolling Badin Talhar Road Sarija link Road, near 3-mile Mori. On suspicion, police stopped the Applicants driving black Haval without number plate. On search, recovered eleven (11) sacks each sack containing 30 packets of Safina Gutka and each packet containing 110 sachets. Hence, FIR was registered.

3. Counsel for the applicants states that applicants have been incarcerated since the date of the arrest on 07.05.2026; that challan has been submitted and the applicants are no more required for the purpose of their investigation and it is yet to be determined the recovery and connection of the applicants with the alleged case property, therefore, bail may be granted.

4. On the other hand, learned Deputy Prosecutor General for the state contended that the applicants were spontaneously arrested and huge

recovery of Safina Gutka is affected, which is forbidden under the Sindh Gutka Manpuri Act, 2019 and therefore, they are not entitled for the bail.

5. Heard learned counsel for parties and perused the record with their assistance.

6. It appears that the applicants/accused have been incarcerated since date of arrest on 07.05.2026 and the question of spontaneous recovery and connection with the applicants has yet to be determined by the Trial Court. Although, quantity of eleven (11) sacks and each sack containing 30-packets and each packet contains 110 sachets of Safina Gutka has been narrated, but neither in the FIR nor in the memorandum of recovery weightage of the case property has been given by the prosecution. The challan has been submitted before the Trial Court and matter is ripe for recording of the evidence and no fruitful result would be achieved by keeping incarceration the Applicants for indefinite period. The offence falls outside the prohibitory clause of Section 497(1), Cr.P.C. It is settled principle that in non-prohibitory offences, grant of bail is a right while refusal is an exception.

7. In view of above, the present applicants/accused are admitted to the concession of post arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) **each** and P.R Bond in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants/accused on merits.

J U D G E

Ali.