

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**Cr. Bail Application No. S-735 of 2026.***[Altaf Vs. The State]*

Applicant : Altaf **through** Mr. Zahid Hussain Buriro, Advocate.

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

Date of Hearing : 15.07.2026.

Date of Decision : 15.07.2026.

ORDER

KHALID HUSSAIN SHAHANI, J:- By means of the instant Bail Application, the applicant **Altaf son of Ali Muhammad @ Ali Depar** seeks the concession of post-arrest bail in a case bearing crime No.52/2026, registered at Police Station Bhaan Saeedabad, District Jamshoro, for an offence punishable under Section 3/4 of the Prohibition (Enforcement of Hadd) Order (P.E.H.O). It is pertinent to note that the applicant had earlier sought identical relief before the learned Additional Sessions Judge and the learned Civil Judge/Judicial Magistrate, Sehwan, both of whom declined the same vide orders dated 25.05.2026 and 13.05.2026, respectively.

2. Briefly stated, the prosecution case is that on 08.05.2026, a police party of P.S Bhaan Saeedabad, headed by SIP Banhon Khan, apprehended the applicant at Bhaan Chinchu Stop at approximately 0100 hours in possession of a black shopping bag. Upon inspection, the bag was found to contain 25 bottles of intoxicating liquor/wine (LAVA VODKA) concealed within a green shopping bag. In the absence of private mashirs, police officials themselves were pressed into service as witnesses to the recovery and arrest. One bottle was sealed and dispatched for chemical analysis, while the remaining twenty-four were sealed separately. On this premise, the instant F.I.R came to be registered against the applicant under Section 3/4 P.E.H.O.

3. Learned counsel for the applicant has vehemently contended that no incriminating article was, in fact, recovered from the applicant's possession, and that the alleged recovery has been fabricated and foisted upon him

owing to malafide intent and ulterior motive on the part of the police. He has further submitted that the complainant conspicuously failed to associate any independent or private mashir with the recovery proceedings, in derogation of settled legal requirements, and that the offence alleged does not fall within the prohibitory embargo of Section 497 Cr.P.C. On these grounds, he has prayed that the applicant be enlarged on bail.

4. Learned D.P.G for the State, on the other hand, has resisted the application and opposed the grant of bail to the applicant.

5. I have heard learned counsel for the applicant and learned D.P.G for the State at considerable length and have given due consideration to the material available on record. It is significant that samples were not drawn from each of the twenty-five bottles for chemical examination; rather, only a solitary bottle was segregated and sent for analysis, leaving open, for determination at trial, the question of whether the remaining bottles bear any nexus with the applicant. It is further to be noted that Section 4 of the P.E.H.O is a bailable offence, while Section 3 does not fall within the prohibitory clause of Section 497 Cr.P.C. It is by now well settled that in such cases, the grant of bail is the rule and refusal the exception, as authoritatively enunciated by the Hon'ble Supreme Court in Muhammad Tanveer v. The State and another (PLD 2017 SC 733). Compounding matters further, the complainant failed to associate any private individual as mashir, both alleged eye-witnesses being subordinates of the raiding officer, a circumstance that squarely offends the mandate of Section 103 Cr.P.C. In these circumstances, no useful purpose would be served by denying the applicant the concession of bail, particularly when he has made out a case of reasonable grounds warranting further inquiry into his guilt. It may also be observed that the case stands challaned, and the applicant's custody is no longer required for purposes of investigation.

6. In view of the foregoing discussion, the instant bail application is allowed, and the applicant/accused is admitted to the concession of post-arrest bail, subject to his furnishing a 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 the learned trial Court.

7. It is clarified, for the avoidance of doubt, that the observations recorded hereinabove are tentative in nature, confined solely to the disposal of the instant bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall the same operate to the prejudice of either party at the trial.

The instant Criminal Bail Application stands disposed of in the above terms, alongwith pending application(s), if any.

J U D G E

Ali.