

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-561 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: Khadim Hussain S/O Meeranil
Through **Mr.Shamshad Ahmed Siyal Advocate.**

The State: Through **Mr. Muhammad Raza Katohar D.PG.**

Date of hearing & order: 17.09.2026.

Suresh Kumar J:- Through instant bail application applicant/accused Khadim Hussain Meerali seeks his post arrest bail in Crime No.209/2026 for Offence Punishable U/S 7/8 of Sindh Prohibition of Preparation, Manufacturing, Storage, sale and Use of Gutka and Manpuri Act, 2019, registered at PS Moro District Naushahro Feroze.

2. The facts of the prosecution, as depicted in the FIR, are that on 11.5.2026, complainant ASI Abdul Majeed Dahar lodged an FIR with the Police Station Moro, District Naushahro Feroze. He stated that on the aforementioned date, he left the Police Station with his staff and patrolled various locations. During the patrol, he received intelligence regarding the transportation of Gutka Supari in a car. Consequently, a Nakabandi was conducted, and the applicant/accused was arrested along with a white car bearing registration No. BFS-732 Mehran. Four sacks were found in the vehicle, each containing 40 packets, totaling 160 packets of Gutka Supari that were allegedly recovered. After preparing the mashirnama and observing the necessary formalities, the applicant was brought to the aforementioned Police Station, where the FIR was lodged.

3. The applicant initially approached before the court of Addl. Sessions Judge, Moro District Naushahro Feroze, for grant of post arrest

which was dismissed vide order dated 04.06.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, learned D.P.G Sindh at length. Learned D.P.G has strongly opposed the grant of bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the counsel appearing on behalf of the applicant/accused and the learned DPG, and having perused the relevant material, it is revealed from the perusal of the FIR that 160 packets of Gutka Supari were allegedly recovered from the possession of the applicant/accused. Consequently, Sections 7 and 8 of the said Act have been applied, and the punishment for the said offence is provided for up to three years. Therefore, it does not fall within the prohibitory provisions of Section 497(1) Cr.P.C. It is well-settled law that when the alleged offence does not fall within the three prohibitory clauses of Section 497(1) Cr.P.C., the basic rule is bail, while refusal is exceptional. No material has been brought on record by the learned DPG regarding exceptional circumstances in the present case that would warrant the refusal of bail. In this regard, reliance is placed upon the case of *Tarique Bashir v. State*, PLD 1995 SC 34.

6. Learned counsel for applicant has also contended that no independent person has been associated as a witness in the present case nor any efforts were taken in this behalf. Admittedly no independent witness has been cited in the alleged recovery proceedings though the complainant had received prior information. In the similar circumstances in the case of *Muhammad Eidan vs. The* (2022 P.Cr.L.J 143) has held as under:

---S.497(2)--- Sindh Prohibition of Preparation, Manufacturing, Storage, sale and Use of Gutka and Manpuri Act, 2019 (III of 2020), Ss.4&8 Penal Cod (XLV of 1860) Ss 269, 270 & 273—Possession of Gutka, ---Bail, grant of---Further inquiry---Record reflected that alleged recovery was affected from a populated area about no private person was associated as witness in the proceedings nor the complainant tried---All the witnesses were police officials, therefore, there was no

apprehension of tempering the evidence----Investigation of case was complete and the challan had been filed before the Court having jurisdiction, therefore, the custody of accused was not required for further investigation---Sections 269, 270& 273, PPC were bail able and for the violation of S.4 of the Sindh Prohibition of Preparation, Manufacturing, Storage, sale and Use of Gutka and Manpuri Act, 2019 punishment of up to 03 years but not less than 01 years was provided---Even taking into account the maximum punishment of 3years, said provision did not fall within the prohibitory clause of S.497, Cr.P.C.,----having made out a case for further inquiry into his guilt, was granted bail in circumstances.”

7. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicant/accused has made out his case for grant of bail. Consequently the applicant/accused is admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/(one lac) and PR bond in the like amount to the satisfaction of learned trial Court.

J U D G E

Hizbullah

