IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Jawad Akbar Sarwana

Criminal Bail Application No.565 of 2026

Applicant	:	Muhammad Anwar @ Anwar S/o Muhammad Siddique by caste Rind through Mr. Abu Bakar Siddique Rind Advocate
Respondent	:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General Sindh
Date of Hearing	:	15.09.2026
Date of Shot Order	:	15.09.2026
Date of Reasons	:	26.10.2026

O R D E R

Jawad Akbar Sarwana, J: Through the instant bail application, the applicant Muhammad Anwar @ Anwar son of Muhammad Siddique by caste Rind seeks pre-arrest bail in Crime No.43 of 2026 registered at Police Station Johi for offences under Sections 4, 8, 9 and 10 SPPM Act, 2019, as his earlier bail application for the same relief was declined by the learned Sessions Judge, Dadu, vide order dated 05.05.2026 passed in Criminal Bail Application No.785 of 2026 and the earlier order dated 23.04.2026 passed by the learned Sessions Judge, Dadu, granting interim pre-arrest bail was recalled.

2. I have heard the counsel for the applicant/accused and the learned Deputy Prosecutor General Sindh, and have perused the record.

3. The background of the matter is set out in the FIR, which, for the sake of brevity, is not reproduced and may be read into this paragraph ad seriatim.

4. Heard counsel, learned APG and perused the record. The offence under Section 8 of the Gutka and Manpuri Act, 2019, carries punishment with imprisonment for a term which may extend to three years but shall not be less than one year. Thus, the offence does not fall within the prohibitory clause of Section 497 CrPC; in such cases,

bail is the rule and refusal is the exception. According to the Supreme Court in the ***Mohammad Imran*** case,[1] the grounds for denial of bail are described as: (a) the likelihood of the applicant/accused abscondence to escape trial; (b) his tampering with the prosecution evidence, or influencing the prosecution witnesses to obstruct the course of justice; or (c) his repeating the offence, keeping in view his previous criminal record or the desperate manner in which he has prima facie acted in the commission of the alleged offence. The prosecution must show whether the applicant/accused's case falls within any of these exceptions based on the material on record.

5. In the circumstances, this is a matter concerning pre-arrest bail. Therefore, another aspect which the applicant/accused must demonstrate is *malafide* on the part of the law enforcement for this bench to extend the concession of pre-arrest bail to the applicant/accused. In the case in hand, the most compelling argument put forward by the prosecution in terms of the Supreme Court's dicta in the ***Muhammad Imran*** case, supra, is the previous criminal record of the applicant/accused; yet, as argued by counsel for the applicant/accused, the finality of these FIRs continues to remain subject to trial and proof, whereas most have concluded in favour of the applicant/accused.

6. This Bench had asked the APG to identify all the FIRs lodged against the applicant/accused as per his CRO, and also gave an opportunity to the Counsel for the applicant/accused to respond to the same. Based on the information on record, it appears that FIR No.60 of 2019, FIR No.13 of 2023, FIR No.15 of 2023, and FIR No.76 of 2023, all registered at Police Station Johi, concluded with the acquittal of the applicant/accused. Further, FIR No. 14 of 2013 and FIR No. 16/2023, both registered at Police Station Johi, were also disposed of as C-Class. Law enforcement registered all the above-mentioned FIRs under the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019. For the

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[1] Supreme Court of Pakistan Order dated 05.08.2021, Muhammad Imran (Crl, P.860-1/2021).

remaining FIRs, the APG could not apprise this bench of their status or whether the applicant/accused was found guilty of the offences stated therein.

7. Without prejudice to the above, the entire series of FIRs appear to have been registered every year against the applicant/accused, and such trend does not inspire confidence concerning their bona fides. Indeed, if the applicant/accused were a habitual offender and one or two FIRs had been decided against the applicant/accused, then, in the circumstances, a case could be made out as to the alleged bad character of the applicant/accused. However, in the present case, the applicant/accused was acquitted in all the FIRs. In these circumstances, the accused/applicant's previous criminal record of acquittals, and the lack of clarity as to the outcome of the remaining FIRs and/or their present status, do not support the prosecution's case for denial of bail and demonstrate “malafide” intent.

8. Meanwhile, given the above background, the FIR No.43 of 2026 itself, which is the genesis of this pre-arrest bail application, itself records that the contraband items were not found on the applicant/accused in his possession per se, but were found lying on the ground on the path of an alleged police chase involving the applicant/accused. Thus, even on this score, on the most tentative assessment, it cannot be said that the applicant/accused was found in possession of the contraband items, either.

9. Given the above, a case for “malafide” has been made out on the part of the police authorities. Accordingly keeping in view the above discussion, the applicant/accused was admitted to post-arrest bail vide Short Order dated 11.05.2026 and ad-interim pre-arrest bail was granted to the applicant/accused subject to furnishing solvent surety in the sum of Rs.100,000/-and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court which confirmed the interim pre-arrest bail. The interim pre-arrest bail solvent surety and P.R. Bond in the sum of Rs.25,000/- already submitted to the High Court pursuant to order dated 11.05.2026 stands confined to the High

Court. However, the balance enhanced solvent surety in the sum of Rs.75,000/- and a P.R. Bond in the like amount was/is to be submitted to the satisfaction of the trial Court.

10. The above are the reasons for my short order dated 15.09.2026 allowing the pre-arrest bail to Muhammad Anwar @ Anwar s/o Muhammad Siddique Rind.

11. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial Court and shall not influence the learned trial Court at the time of final decision based on merits after recording of evidence.

J U D G E

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