THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Criminal Bail Application No.S-1362 of 2025

Applicant	:	Muhammad Rafiq s/o Dolat Khan (in custody) through Jahanzeb Ali Dahri, Advocate.
State	:	Through Irfan Ali Talpur, D.P.G.
Dated of hearing	:	03.12.2025.
Date of Order	:	03.12.2025.
Date of Reasons	:	21.10.2026

O R D E R

JAWAD AKBAR SARWANA, J:- Applicant/accused Muhammad Rafique son of Dolat Khan, seeks post-arrest bail in Crime No.218 of 2026, registered under Section 8 of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act ("Gutka & Manpuri, Act"), 2019 at PS Hali Road after his post-arrest bail was denied vide order dated 30.10.2026 passed by the 1st Additional Sessions Judge Hyderabad in Criminal Bail Application No.3239 of 2025.

2. I have heard the applicant/accused Counsel, the Additional Prosecutor General, Sindh and have perused the record, and my observations are as under:-

3. The facts of background of the matter are set out in the FIR and, for the sake of brevity, are not reproduced herein and are reiterated herein ad seriatim.

4. The applicant/accused has pleaded that the events of the night of the alleged occurrence are entirely different and produced still footage from the CCTV camera pointing towards the alleged scene of the crime. The photos show the police arriving at the place of the crime and the accused sitting outside houses in a heavily residential area along with a group of persons. The videos are still shots, and the photos suggest that

when the police walked towards the car, which was found loaded with contraband, the accused was not sitting inside the car. This will require forensic analysis of the CCTV footage and the photo. Additional photos show the police speaking with the group sitting outside the residences, with the car just in front of them. Whether the accused was initially inside the car and, upon seeing the police, stepped out and sat with the group, as captured in the photo, or the video footage discloses a different version is subject to further inquiry. The contraband was not found on the accused but inside the car. The accused's counsel contends that the video is about seven minutes and the accused was never inside the car. All this calls for further inquiry, especially as the Police also claim that an unknown person sitting inside the car ran away upon seeing them. These matters call for further inquiry, and the facts and circumstances of the case make out a case for post-arrest bail.

5. Given the above, from the tentative assessment of the record, the applicant/accused has made out a case for further inquiry as envisaged under Section 497(2) CrPC.

6. In view of the above, the instant bail application was allowed on 03.12.2025 to the applicant/accused subject to furnishing a solvent surety in the sum of Rs.100,000/- and P.R. bond in the like amount to the satisfaction of the Court. The above are the reasons for the short order.

7. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Tufail