THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Criminal Bail Application No.S-989 of 2025

Applicant	:	Khalid Hussain s/o Hussain Bux (in custody) through Peeral Majeedano, Advocate.
State	:	Through Irfan Ali Talpur, D.P.G. for State along with IO/SIP Ahsanul Haq Gujjar PS Tando Gulam Ali
Dated of hearing	:	27.10.2025.
Date of Order	:	27.10.2025.
Date of Reasons	:	21.10.2026

O R D E R

JAWAD AKBAR SARWANA, J:- Applicant/accused Khalid Hussain s/o Hussain Bux, seeks post-arrest bail in Crime No.142 of 2025, 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 23.08.2025 passed by the Additional Sessions Judge Matli in Criminal Bail Application No.1266 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. According to the FIR, the contraband was filed inside a Suzuki Swift; however, the passenger apparently fled away, and the applicant/accused was operating the motor vehicle only. As per the chemical report, although the police sealed the contraband on 14.08.2025, the covering letter for examination of the sample was prepared more than

4 days later, and the chemical examiner received the sample late as well. The intervening period of 04 days is unexplained. Further, the sampling was limited to 1 packet of Safina, and only that was sent for chemical examination. No other sealed samples are mentioned nor were sent. 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 27.10.2025 to the applicant/accused subject to furnishing a solvent surety in the sum of Rs.50,000/- 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