

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Bail Application No.S-181 of 2025

Applicant : Aftab son of Babu Khan.
Through Mr. Mehfooz Ali Laghari,
Advocate.

Respondent : The State through Mr. Neel
Parkash, Deputy Prosecutor
General, Sindh.

Criminal Bail Application No.S-182 of 2025

Applicant : Allaudin son of Jamaluddin.
Through Mr. Aziz Ahmed Laghari,
Advocate.

Respondent : The State through Mr. Neel
Parkash, Deputy Prosecutor
General, Sindh.

Criminal Bail Application No.S-183 of 2025

Applicant : M.Bilal son of Din
Muhammad.
Through Mr. Mehfooz Ali Laghari,
Advocate.

Respondent : The State through Mr. Neel
Parkash, Deputy Prosecutor
General, Sindh.

Date of hearing : **28.08.2025**
Date of Order: **28.08.2025**

O R D E R.

AMJAD ALI SAHITO,J:- Through captioned bail applications, the applicants/accused above named seek their pre-arrest bail in Crime No.83 of 2025, under sections 4/8/6 of Sindh Prohibition of Gutka,

Manufacturing, Storage, Sell, use of Gutka & Mainpuri Act, 2019, registered at P.S Satellite Town Mirpurkhas, after their bail plea was declined by the learned Additional Sessions Judge-I, Mirpurkhas.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Mr. Aziz Ahmed Laghari advocate has filed Vakalatnama on behalf of the applicant/accused Allaudin in Criminal Bail Application No.182/2025, which is taken on record.

4. Learned counsels for the applicants/accused have contended that the applicants are innocent and have been falsely implicated in the instant case with mala fide intent. They have further submitted that the alleged place of occurrence is a thickly populated area, and the alleged recovery was made in broad daylight; however, the complainant did not associate any private witness to act as mashir. They have further argued that no house number is mentioned in the contents of the recovery memo indicating the place where the police conducted the raid. It is further contended that the prosecution's story is not reliable, as it is improbable that the accused persons could have escaped successfully despite the presence of a police party with two police mobiles. They have further argued that the prosecution's story is not reliable and is full of doubts; therefore, the applicants/accused are entitled to confirmation of interim pre-arrest bail.

5. On the other hand, the learned D.P.G. has vehemently opposed the confirmation of interim pre-arrest bail to the applicants/accused and he further argued that the applicants/accused are habitual offenders and prior to this so many identical FIRs have been

registered against them. He further argued that a huge quantity of narcotics has been recovered, and questioned how it is possible that such a large quantity could have been foisted upon the applicants, especially when there is no previous enmity between the applicants and the police. He further argued that the applicants/accused are not entitled for extraordinary relief of the confirmation of interim pre-arrest bail and prayed for dismissal.

6. Heard the learned counsel for the respective parties and perused the material available on the record.

7. From the perusal of record, it emerges that the police party was on patrolling and on information raided at the house of accused Aftab Malik, who along with co-accused Allauddin and Bilal Hassan on seeing the police party succeeded to run away from the place of incident. The police party saw that the accused persons installed a factory in the house for preparation of Mainpuri and Gutka the police party recovered following raw articles/material;-

- *One cutter machine.*
- *38 sacks crushed of Mainpuri, weight 755 KG.*
- *06 sacks of tobacco (Patti), weight 205 KG.*
- *11 sacks of crush (Burada), weight 248 KG.*
- *02 bags of Salam Gutka, containing 195 packets, 2475 sachets*
- *01 sack containing betel, weight 15 KG.*
- *01 sack containing prepared Mainpuri ingredients, weight 8 KG.*
- *01 sack containing Mainpuri, total 600.*
- *01 sack containing rubber band.*
- *01 sack containing wrappers, weight 8 KG.*

8. The learned Deputy Prosecutor General has further contended that the applicants/accused are habitual offenders, against whom several criminal

cases have previously been registered. The details of the recovery, as reflected in the FIR, show that a substantial quantity of raw and prepared Gutka and Mainpuri was seized. The Investigating Officer has also obtained the CRO record, which reveals that as many as 17 cases pertaining to Gutka and allied offences have been registered against applicant/accused Aftab Malak. Similarly, three cases have been registered against applicant/accused Allauddin Malak at different times and in various police stations. Moreover, different types of raw materials used in the preparation of Gutka were recovered from the residence of applicant/accused Aftab Malak. It is further observed that, subsequent to the registration of the FIR, the applicants/accused manage to obtain bail and thereafter continue their unlawful business, thereby misusing the concession of bail.

9. In view of the foregoing circumstances, the applicants/accused prima facie appear to be habitual offenders who have consistently abused the concession of bail by perpetuating their illegal activities. Hence, they are not entitled to the extraordinary relief of pre-arrest bail. Furthermore, no allegation of malafide or ill-will has been raised by the applicants/accused against the complainant party. I am fortified with the case law of Hon'ble Supreme Court of Pakis [2019 S CMR 1129/ wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably

demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

10. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicants with the commission of alleged offence. In light of the contents of the FIR, it appears that the applicants/accused are involved in the manufacturing and business of narcotic substances, which contributes to the spread of cancer and poses a serious threat to public health. Such offences are not only illegal but are also against the society at large; therefore, the applicants are not entitled to the discretionary relief of pre-arrest bail

11. The learned counsel for the applicants has failed to make out a case for confirmation of interim pre-arrest bail in favour of the applicants/accused. Accordingly, the instant bail applications filed by the above named accused/applicants are hereby **dismissed**. The interim bail granted to the applicants vide orders dated **10.07.2025 and 11.07.2025** are hereby **recalled**.

12. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE

