

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

Cr. Bail Application No. S-323 of 2026

**Applicant:** Haresh s/o Kewal Bheel,  
Through Mr. Jamshed Lucas, Advocate.

**Respondent:** The State.  
Through Mr. Neel Parkash, Deputy P.G.

**Date of hearing:** 13.07.2026

**Date of Order:** 13.07.2026

**O R D E R**

**Khalid Hussain Shahani, J:-** Applicant Haresh seeks pre-arrest bail in a case bearing Crime No.30/2026, registered under Articles 3 & 4 of the Prohibition (Enforcement of Hadd) Order, 1979, at P.S. Mirwah Gorchani, having been denied such relief by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 09.06.2026.

2. The prosecution narrative, in brief, is that on 04.05.2026, the complainant, accompanied by HC Din Muhammad and PC Sajid Ali, embarked upon routine patrolling duties in Government Vehicle No. 136, driven by PC Razik Dino, pursuant to Entry No.16 recorded at 1705 hours. Acting upon information regarding the clandestine sale of desi liquor in Bheel Colony, Mirwah, the police party proceeded to the pointed location, where they observed an individual standing before a residence in possession of ten one-liter jerrycans. Upon the police party's attempt to effect an arrest, the individual discarded the jerrycans, fled the scene, and eluded apprehension. The abandoned jerrycans were seized, and upon examination were found to contain ten liters of prepared desi wine. The complainant and his subordinate staff identified the absconding individual as the present Applicant. A representative sample of 100 ml was drawn for chemical

analysis, duly sealed, and the requisite *mashirnama* of arrest and recovery was prepared. On the strength of these facts, the Applicant stands implicated in an offence punishable under Sections 3/4 of the P.E.H.O, giving rise to the present proceedings.

3. Learned counsel for the Applicant has argued with considerable force that no recovery whatsoever was affected from the personal possession of the Applicant, and that the alleged recovery has been contrived and foisted upon him owing to malafide intent and extraneous considerations. He further submitted that the complainant conspicuously omitted to associate any independent or private witness as mashir, thereby casting serious doubt upon the veracity of the prosecution version. It was additionally urged that the alleged offence falls outside the prohibitory embargo contained in Section 497 Cr.P.C., and that the Applicant is being subjected to a mala fide and vindictive prosecution designed merely to humiliate and disgrace him. On these premises, learned counsel prayed for confirmation of the pre-arrest bail already granted.

4. Learned D.P.G, appearing for the State, has resisted the application and opposed the grant of bail to the Applicant.

5. I have heard learned counsel for the Applicant and learned D.P.G for the State at considerable length, and have given anxious consideration to the material available on record. It is an admitted position that the alleged recovery was not affected from the exclusive possession of the Applicant, and the question of its nexus with him is a matter that must properly abide the outcome of trial. It is further noteworthy that while Section 4 of the P.E.H.O. is bailable, Section 3 does not fall within the prohibitory clause of Section 497 Cr.P.C, and it is well settled that in such circumstances the grant of bail is

the rule, and its refusal the exception. Notwithstanding that the complainant claims to have received prior information regarding the alleged offence within the precincts of the city, he failed to associate any independent or private person as mashir, relying instead exclusively upon his own subordinate staff as eye-witnesses, a course of conduct that runs afoul of the mandatory safeguard enshrined in Section 103 Cr.P.C. In these circumstances, no useful purpose would be served by denying the Applicant the concession of bail, particularly when he has demonstrated a reasonably arguable case therefor. It further transpires that the case stands challaned, and the Applicant's presence is no longer required for the purposes of investigation.

6. In view of the foregoing discussion, the instant bail application is allowed, and the interim pre-arrest bail granted to the Applicant vide order dated 16.06.2026 is hereby confirmed, on the same terms and conditions as previously ordered.

7. It is, however, clarified that the observations made hereinabove are of a tentative nature, confined solely to the disposal of the instant application, and shall not be construed as an expression of opinion on the merits of the case, nor shall the same operate to the prejudice of either party at the trial.

8. The instant Criminal Bail Application stands disposed of in the above terms.

**JUDGE**

"Chander Kumar"