

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

Criminal Bail Application No.S-975 of 2021

Applicant : Abdul Majeed Son of Muhammad Juman, through Mr. Mashooque Ali Bhurgri, Advocate.

Respondent : The State, through Ms. Ramesha Oad, Assistant Prosecutor General, Sindh.

Date of hearing : **26.11.2021**
Date of Order : **26.11.2021**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks his post-arrest bail in Crime No.56 of 2021, under section 8 The Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and use of Gukta and Manpuri Act 2019, registered at P.S. Khorwah, after his bail plea was declined by the learned 2nd Additional Sessions Judge Badin vide order dated 16.10.2021.

2. The details and particulars of the F.I.R. are already available in the bail applications 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. Per learned counsel, the applicant/accused has falsely been implicated in this case; that applicant/accused is behind the bars and he is no more required for further investigation; that the alleged offence does not fall within the prohibitory clause of section 497(i) Cr.P.C. He lastly prayed for grant of bail to the applicant/accused.

4. On the other hand, learned A.P.G vehemently opposed the grant of bail to applicant/accused.

5. I have heard learned counsel for the applicant as well as Assistant Prosecutor General, Sindh having gone through the record available.

6. No doubt the offence in which applicant/accused is charged does not fall within the prohibitory clause of section 497(i) Cr.P.C and in such cases grant of bail is a right and refusal is an exception. Learned A.P.G failed to disclose any exception to refuse the bail to accused. Further applicant/accused is in jail since his arrest however he is no more required for investigation, therefore, no purpose will be served to keep him in jail for indefinite period.

7. In view of above, the case of the applicant/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C, therefore, the bail application is allowed, applicant/accused Abdul Majeed Son of Muhammad Juman is admitted to bail subject to furnishing his solvent surety in the sum of Rs.50,000/- and PR Bond in the like amount to the satisfaction of learned trial court.

8. 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 applicant on merits.

JUDGE

*Muhammad Danish**