

**IN THE HIGH COURT OF SINDH, BENCH AT
SUKKUR.**

Crl. Revision Application No. S-76 of 2022

Date of hearing	Order with signature of Judge
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1. For orders on office objection at Flag 'A'.
2. For orders on MA 4466/2022
3. For hearing of bail application.

O R D E R.
02.12.2022.

Mr. Muhammad Asif Kolachi, Advocate for Applicant.

Syed Sardar Ali Shah, Additional Prosecutor General.

NAIMATULLAH PHULPOTO J., Through this Criminal Revision Application applicant Asghar Khan has called in question order dated 01.04.2022 and 25.04.2022 passed by learned Additional Sessions Judge-III Khairpur in Criminal Misc. Application No. 14/2022 arising out of crime No. 73/2020 Police Station Baberloi, for offences under sections 3, 4, 5, and 8 of The Sindh Prohibition of Manufacturing, Preparation, Storage, Sale and use of Ghutka and Mian Puri Act-2019 whereby learned Additional Sessions Judge-III Khairpur allowed application under section 516-A Cr.P.C and restored the interim custody of truck bearing No.SFA-042 to the applicant subject to furnishing solvent surety in the sum of Rs. 1000,000/- (one million rupees) and PR bond in the like amount. According to counsel for applicant, the applicant who is owner of the vehicle could not arrange the required surety and he moved an application before the same court for reduction of surety amount, however, trial Court declined the prayer for reduction of surety amount vide order dated 25.04.2022.

2. It is contended by learned advocate for applicant / owner that the vehicle is the sole source of the income for applicant to support his large family and applicant made all possible efforts to arrange the surety of rupees one million but he failed.

3. Learned Additional Prosecutor General submits that surety amount may be reduced to some reasonable extent.

4. Perusal of record shows that vehicle was restored to the applicant / owner by learned Additional Sessions Judge-III Khairpur on 01.04.2022 but he could not arrange surety and submitted another application before the same Court for reduction of surety amount and same was dismissed on 25.04.2022 as stated above. Till today it is stated that applicant has failed to arrange huge surety and truck is parked at Police Station and its' value decreases. It may be observed that surety is fixed according to status of the party / accused / owner. Looking to the facts and circumstances of the case orders dated 01.04.2022 and 25.04.2022 are modified to the extent of surety amount from Rs. 1000,000/- (one million) to Rs. 500,000/- (Five lacs) to the satisfaction of trial Court.

5. The aforesaid Criminal Revision Application stands disposed of in the above terms.

J U D G E

Irfan/P.A