

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S- 11 of 2023

(Rizwan and another v. The State)

For the Applicants : Applicants Rizwan Ahmed and Abdul Raheem through Mr. Abdul Sattar Mahessar, Advocate.

For the State : Syed Sardar Ali Shah, Additional P.G a/w ASI/IO Darya Khan Kanhar of P.S, B-Section, Khairpur.

Date(s) of Hearing : 20-01-2023

Date of Order : 20-01-2023

ORDER

Zafar Ahmed Rajput, J. - Having been rejected their earlier Crl. Post Arrest Bail Application bearing No.2817 of 2022 by learned Additional Sessions Judge-III, Khairpur vide order dated 02.01.2023, the applicants through instant Crl. Bail Application seek the same relief from this Court in Crime No.331 of 2022 registered at P.S, B-Section, Khairpur for offence under Section 8 of the Sindh Prohibition of Preparation, Manufacture, Storage, Sale & Use of Ghutka & Main Puri Act, 2019.

2. Heard learned counsel for the applicants, leaned Additional P.G for the State and perused the material available on record.

3. As per FIR, on 16.12.2022, the applicants were arrested on being found in possession of 30 bags containing Z-21 Ghutka Suparies from Corolla car bearing registration No.AWW-230 Sindh at link road leading from Luqman Phatak towards Shah Hussain Bypass near Rohri Canal Bridge, Khairpur. The alleged offence being punishable for imprisonment up to three years does not fall

within the prohibitory clause of section 497 Cr.P.C. In such like cases, the basic rule is bail not jail. The Challan has already been submitted before the trial Court after completion of investigation, hence the personal custody of the applicants is no more required to police for further investigation. The trial is likely to take some time for conclusion and no useful purpose shall be served in case applicants are kept behind bars for an indefinite period. Hence, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of **Rs.1,00,000/- (One Lac)** each with P.R bond in the like amount to the satisfaction of the trial Court.

4. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicants on merits and if the applicants in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel the same after issuing them the requisite notice.

5. The instant Crl. Bail Application stands **allowed** in above terms.

Ahmad

J U D G E