

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

Cr. Bail Application No.S-855 of 2021

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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For hearing of main case.

18.11.2021.

Mr. Altaf Sachal Awan, Advocate for applicants.  
Ms. Sana Memon, Assistant P.G a/w SIP / I.O Fatoomal

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MUHAMMAD IQBAL KALHORO, J.- On 13.08.2021 from Zero Point Sakrand Road, applicants were arrested by ASI Miyan Bux Marri of CIA Center during patrolling on a tip off while travelling in a truck from which allegedly 40 Katas full of Powder of Suparies considering the same as raw material for preparation of Mainpuri Gutka constituting an offence punishable for seven years under Sections 4, 5, 8 of Sindh Mainpuri Gutka Act, 2019 were secured. However, the source or knowledge that this powder is meant to be used for preparation of Mainpuri Gutka is not disclosed in FIR. Powder of Suparies itself is not a banned item under the aforesaid law but when it is mixed with the other items and goes through chemical process and becomes Mainpuri Gutka would be a banned item attracting the applicability of the law. All these factors are yet to be determined by the trial Court.

2. Learned Defence Counsel has mainly argued on these lines but learned Assistant Prosecutor General and I.O did not agree with him and have opposed bail. However, in my view, the case requires further inquiry into guilt of applicants on the facts and grounds as stated above in addition to the fact that investigation is over and the applicants are no more required for further investigation. Accordingly, this bail application is allowed and applicants are granted bail subject to furnishing their solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) each and P.R Bonds in the like amount to be executed to the satisfaction of the trial Court.

3. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

