

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Crl. Bail Application No. 790 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

21-05-2022

Mr. Muhammad Amir, Advocate for applicant.

Ms. Rahat Ahsan, DPG a/w SIP Iftikhar Tanoli, I.O. of the case.

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Omar Sial, J: Samiullah has sought post arrest bail in crime number 324 of 2022 registered under section 8(i) of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act, 2019 at the Shah Latif police station. Earlier, his application seeking bail was dismissed on 16.04.2022 by the learned 3rd Assistant Sessions Judge, Malir, Karachi.

2. Facts of the case are that the aforementioned FIR was registered on the complaint of S.I. Ghulam Shabbir on 16.03.2022. Shabbir reported that he had stopped a Suzuki vehicle as it looked suspicious to him and upon search of the vehicle he recovered 40 sacks of betelnut weighing an aggregate of 400 kgs as well as 250 sachets of mawa/gutka.

3. I have heard the learned counsel for the applicant as well as the learned DPG.

4. The learned DPG confirmed that the applicant does not have crime record let alone a record of a past similar offence. In these circumstances the punishment for the offence with which he is charged carries a potential sentence of 3 years and although not bailable falls under the non-prohibitory clause of section 497 Cr.P.C. He has been in jail for 3 months and keeping the principle enunciated by the Honorable Supreme Court in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I do not see any extraordinary or exceptional reasons to decline him bail. It is also yet to be determined whether the betelnut seized falls within the ambit of the Act of 2019. It is the learned trial court which will decide this aspect of the case when evidence is led.

5. Above are the reasons for the short order dated 13-5-2022.

JUDGE