

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1672 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For orders on MA No11054/2022
2. For hearing of bail application

20-9-2022

Mr. Aroon Parsad and Faheem Khawaja for applicant.
Ms. Robina Qadir, D.P.G.

=====

Omar Sial, J: Hameedullah was apprehended on 23.07.2022 while driving a vehicle loaded with 120 kg of betel nut and 3300 JND packets. He was arrested and F.I.R. No. 39 of 2022 was registered at the Chuhar Jamali police station under sections 4, 5 and 8 of the Sindh Prohibition of (Preparation, Manufacturing, Storage, Sale and Use) of Gutka and Mainpuri Act, 2019.

2. I have heard the learned counsel for the applicant as well as the learned DPG. My observations and findings are as follows.

3. It is yet to be seen whether betel nut and "JND" is something which is prohibited under the Act of 2019. A first time offence under the Act of 2019 carries a potential sentence of up to 3 years and though non-bailable falls with the non-prohibitory clause of section 497 Cr. P.C. Learned DPG has confirmed that the applicant does not have a crime record let alone a crime record of a similar offence. In line with the principle enunciated in the **Tariq Bashir and 5 others vs The State (PLD 1985 SC 34)** I see no exceptional or extraordinary grounds to not admit the applicant to bail.

4. The applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 100,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE