

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-275 & 276 of 2023

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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19.05.2023

Mr. Muhammad Aamir Qureshi advocate for applicant.
Ms. Sana Memon, Assistant Prosecutor General along
with IO/SIP Muhammad Ramzan Mangi of PS Kotri.

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MUHAMMAD IQBAL KALHORO, J.- SIP Khair Muhammad Mallah Incharge PP Site Kotri on spy information, about certain accused running a factory situated in site Kotri including absconder accused Rizwan for manufacturing Gutka and other narcotics, raided the premises on 24.01.2023 along with his staff. The accused present in the factory along with watchman made their escape good after seeing the police. Police tried to catch them but in vain, however, from the factory huge quantity of ingredients used in manufacturing gutka including betel nuts and other articles used in packing, drill machine, appliances for sealing gutka, empty kartoons, generators, weight machine, packing bags etc. and 1010 grams of ice, were recovered. A detail of recovered articles 33 in number is duly mentioned in two (02) FIRs bearing Crime No.12 & 13 of 2023. FIR No.12 of 2023 has been registered under Section 8 of Sindh Prohibition of Preparation Manufacturing Storage Sale & Use of Gutka, Mainpuri Act, 2019 whereas FIR No.13 of 2023 has been registered under Section 9-C of CNS Act, 1997.

2. In FIR, name of the applicant does not transpire. But, subsequently on the basis of statement u/s 161 CrPC of PW Muhammad Yakoob implicating the applicant, among others, and 162 CrPC of complainant, a police official, disclosing involvement of the applicant, he has been arraigned in the case, and arrested on 09.02.2023. Now the case has been challaned and apparently except the above pieces of evidence, no further evidence has been collected against the applicant prima facie. All the accused except absconding accused Rizwan against whom main allegation of running the factory has been leveled have been granted bail. Applicant is said to be the manager of said factory but prima facie no tangible documentary evidence is on record in this regard. PW Muhammad Yakoob who has implicated other accused have been granted bail, therefore, rule of consistency appears to be applicable

in this case. Citing these grounds, learned counsel for applicant has requested for bail, opposed by learned Assistant PG and IO of the case.

3. However, in view of foregoing discussion, not only the case of applicant, not originally named in FIR, appears to be of further inquiry but since co-accused having been assigned similar allegation have been granted bail, the rule of consistency also seems applicable in this case. The applications, in the circumstances, are allowed and the applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.1,00,000/- (rupees one lac) in each case and PR Bond in the same amount to be furnished before the trial court to its satisfaction.

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

Ali Haider

JUDGE