

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

Criminal Bail Application No.S-577 of 2023

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objection.  
For hearing of main case.

23-06-2023

Mr. Mashooque Ali Mahar, advocate for applicant.

Ms. Safa Hisbani A.P.G. Sindh.

**MUHAMMAD IQBAL KALHORO, J:** - On spy information, applicant was arrested by police of PS SITE from a street of Mehran Hall, SITE Area Hyderabad on 25.05.2023 at 1800 hours when he was found standing near a rickshaw along with co-accused from which 300 packets / purries of mainpuries and 12 sacks of betel nuts weighing 140 kgs and 08 sacks of betel nuts of different colours were recovered. Hence, he was arrested and such FIR was registered against him.

**2.** Learned defense counsel submits that betel nuts are registered items and the weight of mainpuries is less than 1000 grams; the offence does not fall within the prohibitory clause of section 497(1) CrPC and since Challan has been submitted, applicant is no more required for further investigation. Rule of consistency is attracted as co-accused Kashif @ Kashif has been admitted to post arrest bail by this Court vide order dated 15.06.2023 and the case requires further inquiry.

**3.** Learned Assistant Prosecutor General has opposed bail but submits that there is no CRO of applicant.

**4.** The offence with which applicant is charged is punishable only for three years. There is no CRO of applicant. Applicant on account of filing of Challan is no more required for further investigation and the offence does not fall within the prohibitory clause u/s 497(1) CrPC. Co-accused Muhammad Kashif @ Kashir having similar type of role has been admitted to bail, therefore, rule of consistency is also applicable in the case of applicant. In view thereof, this application is allowed. Applicant is granted post arrest bail in the sum of Rs.1,00,000/- and PR Bond in the same amount to the satisfaction of trial court.

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

JUDGE

**\*Abdullah Channa/PS\***