

**IN THE HIGH COURT OF SINDH AT KARACHI****Crl. Bail Application No. 2434 of 2023**

Applicants : 1. Azam s/o Qurban Ali Khokhar  
2. Raja s/o Muhammad Saleh Boro  
3. Ayaz s/o Shahid  
4. Muhammad Ibrahim s/o Moula Bux  
5. Gulsher s/o Ismail  
6. Riaz Ahmed s/o Ali Ahmed  
through Mr. Ghulamullah Chang, Advocate

**Crl. Bail Application No. 2478 of 2023**

Applicants : 1. Sajjad s/o Gul Hassan  
2. Faraz s/o Suleman  
3. Nisar Ahmed s/o Muhammad Yaseen  
4. Hassan s/o Gul Hassan  
5. Abdullah s/o Zaffar  
5. Zahid s/o Allah Bux  
7. Muhammad Sameer s/o Muhammad Ashraf  
8. Zohaib s/o Gul Muhammad  
9. Riaz Ahmed s/o Ali Ahmed  
through Mr. Habibullah Chang, Advocate

Respondent : The State  
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of hearing : 6<sup>th</sup> November, 2023

**ORDER**

**Omar Sial, J:** Azam, Raja, Ayaz, Mohammad Ibrahim, Gulsher and Riaz Ahmed (applicants in Criminal Bail Application 2434) and Sajjad, Faraz, Nisar Ahmed, Hassan, Abdullah, Zahid, Muhammad Sameer, Zohaib and Riaz Ahmed (applicants in Criminal Bail Application No. 2478 of 2023) have sought post-arrest bail in crime number 285 of 2023 registered under sections 8(i), 3 and 4 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Mainpuri Act, 2019 at the Sharafi Goth police station in Malir.

2. In this case, the F.I.R. was registered on the complaint of Inspector Mehboob Elahi on behalf of the State on 03.10.2023, reporting an offence that occurred earlier the same day. The police received spy information that there is a compound which has been rented out to Faizan Haroon and Shareef by its owner, Mubashir Arain. The former two had installed machinery on that premises for manufacturing potato chips. The equipment and other materials that the police party seized included material used to manufacture gutka.

3. I have heard the learned counsel for the applicants and the learned Additional Prosecutor General.

4. It seems, based on a tentative assessment, that all the applicants were employed as labourers at the potato chip manufacturing unit. Many of the materials and machines seized by the police also seem to be used for chip manufacturing and may not be for gutka manufacture. No doubt, the learned trial court at trial will unearth the truth after it has had an opportunity to review evidence.

5. Learned Additional Prosecutor General has informed me that all the applicants except Faraz are first-time offenders. Punishment for a first-time offender under the Act is three years imprisonment whereas for a second-time offender, it can be up to ten years. Offences are not bailable, but their punishment falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping in view the principles enunciated in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I do not find any exceptional or extraordinary grounds to decline the applicants' bail. It would, however, be appropriate to fix a higher bail amount for Faraz than his other colleagues.

6. All the applicants except Faraz are admitted to bail subject to their furnishing solvent sureties of Rs. 50,000 each. P.R. Bonds in the same amount should also be executed. Faraz is admitted to bail subject to furnishing Rs. 100,000 surety and a P.R. Bond in the same amount. Sureties be furnished before the learned trial court.

**JUDGE**