

# THE HIGH COURT OF SINDH KARACHI

## Criminal Bail Application No. 2161 of 2023

### For hearing of Bail Application.

Applicant/Accused : Muhammad Usman son of Shahid Hussain through M/s. Khawaja Muhammad Azeem, Sajjad Ali Bhutto and Matiullah, Advocates.

Complainant/State : Through Mr. Siraj Ali Khan Chandio, Additional Prosecutor General Sindh.

Date of hearing : 11-10-2023

Date of order : 11-10-2023

*FIR No. 298/2023  
U/S: 8(i) of Sindh Prohibition of Preparation,  
Manufacturing, Storage, Sale and Use  
of Gukta and Manpuri Act, 2019  
P.S. Memon Goth, Karachi*

## **ORDER**

**Adnan Iqbal Chaudhry J.** - The Applicant/Accused seeks post-arrest bail in the aforesaid crime after the same was declined by the Courts below.

2. The FIR was lodged on searching bags carried by the Applicant on his motorcycle which allegedly contained 68 packets of (J-21) City Zafran, 68 packets of (T-20) dairy pan, 90 packets of (A-27) Tobacco Pan Masala and 3 packets of Pan Masala.

3. Per learned counsel for the Applicant, the facts are that the Applicant was falsely implicated when he refused to oblige the police.

4. Heard learned counsel for the Applicant, learned Addl. P.G. and perused the record.

5. The description of the items seized from the Applicant is not sufficient to classify them as Gutka and Manpuri at this stage. Though the FIR states that samples were drawn and sent for chemical examination, the chemical report has to be received.

6. Admittedly, the custody of the Applicant is no longer required for investigation. It is also not alleged that he is a flight risk. The offence alleged does not fall within the prohibitory clause of Section 497 Cr.P.C. and thus bail becomes the rule and its refusal the exception.

7. In the circumstances, the case against the Applicant is one of further inquiry falling within the ambit of subsection (2) of section 497 Cr.P.C. Therefore, the Applicant Muhammad Usman is granted bail in FIR No. 298/2023 subject to furnishing solvent surety in the sum of **Rs. 50,000/- [Rupees Fifty Thousand only]** alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations above are tentative and shall not be construed to prejudice the case of either side at trial.

**JUDGE**

\*PA/SADAM