

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

Criminal Bail Application No.S- 609 of 2024

24.06.2024.

Mr. Ishfaque Ahmed Lanjar, Advocate for applicants alongwith applicants (on bail).

Ms. Rameshan Oad, A.P.G for State.

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant Criminal Bail Application, applicants Bilawal Khan and Ali Hassan seeks pre-arrest bail in Crime No.91/2024 registered at Police Station Matli, District Badin for an offence under Section 8 S.P.P.M.S.S & Use of Ghutka and Manpuri Act, 2019. Their earlier application for the same relief being Cr.B.A.No.634 of 2024 was heard and dismissed by the learned Additional Sessions Judge, Matli vide order dated 31.05.2024. The applicants were admitted to interim pre-arrest bail by this Court vide order dated 05.06.2024, now the matter is fixed for confirmation of interim bail or otherwise.

2. As per FIR, on 02.05.2024 at about 1900 hours, SIP Qadir Bux Sahito received wireless message from incharge CIA Badin that one white colour Revo Registration No.5145 escaped from the side of Sim Sorhadi and coming towards Matli. On such information he alongwith other staff started snap checking. At about 1700 hours one Revo white coloured vehicle emerged from Tando Ghulam Ali road and the same was stopped wherein six persons were available. They get down from the vehicle and ran away. Police party chased them but could not succeed however, they were identified as (1) Ali Hassan Jarwar, (2)

Bilawal @ Billo Jarwar (both present applicants), (3) Waqar Hussain Shaikh Malak, (4) Waqas Shaikh Malak and two unknown persons. On search of the vehicle, police recovered Twelve sacks, out of which five sacks were filled with 40/40 packets of Safeena Ghutkas, total 200 packets of Safeean and each packet was containing 110 sachets, total 22000 sachets of Safeena; six sacks were filled with Aadaab India Ghutka and each sack was filled with 40 packets (total 240 packets) and each packet was containing 100/100 sachets total 24000 sachets of Aadaab Ghutka puri; one sack was filled with 40 packets of Royal King Ghutka each packet was filled with 100 sachets total 4000 sachets, which were left by the above mentioned accused persons. Thereafter, complainant separated five sachets from each item of contraband material and sealed it in khaki envelop while recovered case property were also sealed separately. Complainant also seized the Revo Vehicle Registration No.LA-5142, Engine No.IGD 5060406, Chasis No.5548451 and prepared such mashirnama in presence of mashirs ASI Bhai Khan Mangrio and ASI Javed Ali Khoso. Thereafter, FIR was lodged on behalf of the State.

3. Learned counsel for the applicants has contended that the applicants are innocent and have falsely implicated in the case in hand; that on 01.05.2024 complainant forcibly entered into the house of applicants alongwith SHO Matli and other staff and took them alongwith their two guests namely Waqar and Waqas and also took the Revo vehicle of said guests; that after receiving the huge amount as bribe from the brother of applicants, the applicants were released by police however, aforesaid FIR was registered; that applicants have enmity with one police personnel namely Abdul Khaliq and chairman Ghulam

Rasool who were relatives of the applicants and the applicants have been falsely implicated in this case on their instance.

4. On the other hand, learned A.P.G appearing on behalf of the State strongly opposed this bail application on the ground that this is an offence against society; that huge quantity of Ghutka Mainpuri has been recovered from the Revo vehicle which was in possession of the applicants and the applicants were duly identified by the police while running away from the said vehicle; that the applicants have not denied their connection with the alleged vehicle; that sufficient evidence is available with the prosecution to connect the applicants with the alleged offence; hence they are not entitled to extra-ordinary relief of pre-arrest bail.

5. Heard the learned counsel for applicant, learned A.P.G for State and perused the material available on record.

6. It appears that upon receiving the wireless message from incharge CIA Team Badin that one white coloured Revo car bearing Registration No.LS-5142 was coming towards Matli from the side of Sim Sorhadi by escaping from them, the police party started snap checking and during which at about 1700 hours, the said vehicle reached at Matli Tando Ghulam Ali Road, wherein six persons including the present applicants were sitting, who on seeing the police party succeeded in running away however, the present applicants alongwith two others were identified by police part. On checking of the said vehicle, a huge quantity of Ghutka Mainpur as mentioned supra was recovered from the alleged vehicle. There is no chance of mis-identity of the applicants as they have been specifically named in the FIR. The contents of FIR are

fully supported by the prosecution witnesses in their statements recorded u/s 161 Cr.P.C. It has also come on record that applicants / accused are previously involved in similar nature of cases. Moreover, the applicants have also not denied their connection with the said Revo vehicle. Such a huge quantity of Ghutka Mainpur cannot easily be foisted upon by the police. This is an offence against society and increasing day by day. The applicants / accused have also failed to produce any documentary evidence to prove that they have been falsely involved in this case by complainant at the instance of aforesaid persons namely Abdul Khalique and chairman Ghulam Rasool.

7. The counsel for the applicants has not been able to point out any special feature of the case entitling the applicants to the grant of extraordinary concession of pre-arrest bail. Pre-requisites for such concession i.e. malice and ulterior motive, either on the part of complainant are conspicuously missing in the case. Accordingly, the bail application in hand is dismissed and the interim pre-arrest bail already granted to the applicants vide order dated 05.06.2024 stands called.

Criminal Bail Application stands disposed of.

JUDGE

Tufail