

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-1305 of 2023

Applicant : Mashooque through Mr. Mian Taj Muhammad Keerio,  
Advocate.

Complainant : The State through Mr. Imran Ahmed Abbasi,  
Assistant Prosecutor General, Sindh.

Date of hearing : **11.01.2024**

Date of Order : **11.01.2024**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the above named applicant/accused seeks his post-arrest bail in Crime No.57 of 2023, under section 08 of Sindh Prohibition of PMS Sale and Use of Gutka, Manpuri Act, 2019, registered at P.S Khorwah District Badin, after his bail plea was declined by the learned Additional Sessions Judge-II, Badin, vide his order dated 14.11.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused mainly contended that the applicant/accused is innocent and he has been falsely implicated in this case; that nothing was recovered from the applicant/accused but the alleged raw material has been foisted upon him due to enmity; that as per the F.I.R the applicant/accused has been arrested in thickly populated area but police failed to associate any private person as mashir of arrest and recovery; and, that the challan of this case has already been submitted and the applicant/accused is no more required for further investigation.

4. On the other hand, learned Assistant Prosecutor General, Sindh highly opposed the grant of bail to the applicant/accused on the ground that huge quantity of raw material has been recovered from him and the offence allegedly committed by applicant is against society therefore, he does not deserve any leniency / concession which may entitled him to be released on bail. However, on the Court query, he submitted that the applicant was not previously involved in such like cases. He lastly prayed for dismissal of bail.

5. I have heard learned counsel for the parties and have perused the record available.

6. Admittedly the offence in which the applicant is charged does not fall within the prohibitory clause of section 497 Cr.P.C whereas grant of bail is rule and refusal is an exception. No exception has been pleaded by learned APG to refuse the bail to the applicant. The applicant / accused is in jail, he is no more required for further investigation, as such, his further detention will not improve the case of prosecution. At bail stage, only a tentative assessment is to be made. The learned counsel for the applicant/accused has made out a case for grant of post-arrest bail, resultantly instant Criminal Bail Application is allowed and the applicant/accused Mashooque is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- [Rupees Fifty Thousand] and P.R. bond in the like amount to the satisfaction of learned Trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**JUDGE**

*\*Hafiz Fahad\**