

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

Cr.Bail Appln:No.S-1290 of 2024

Applicants: Muhammad Khalid son of Kifayatullah Rajput and Muhammad Shahid son of Kifayatullah Rajput, through M/s. Naeemuddin Sahito and Muhammad Faisal Bawany, Advocates.

Respondent: The State through Mr. Irfan Ali Talpur, A.P.G.

Date of hearing: **03.02.2025**

Date of Order: **03.02.2025**

**O R D E R**

**ABDUL HAMID BHURGRI, J.-** Through this application under Section 497 Cr.P.C the applicants/accused seek post-arrest bail in Crime No.251 of 2024, under section 8, the Sindh Prohibition of Preparation Manufacturing Storage Sale & Use of Gutka, Mainpuri Act 2019, registered at P.S. Matli, after their bail plea was declined by the learned trial Court vide order dated 22.11.2024.

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. Per learned counsel for the applicants, the applicants are innocent and have falsely been implicated by the police in this case; that co-accused Sahil alias Shakar Khan has already granted post arrest bail by this Court vide order dated 23.12.2024 and the role so assigned against him is on same footing to that of present applicants/accused therefore, they are also entitled for grant of bail on the plea of rule of consistency; that there is no any independent

eye witness of the alleged offence and all the witnesses are subordinate to the complainant; that the offence does not fall within the prohibitory clause of section 497 Cr.P.C and grant of bail in such cases is a rule and refusal is an exception; that applicants/accused are in custody since their arrest and they are no more required for further investigation. He lastly prayed for grant of bail to the applicants/accused.

4. On the other hand, learned A.P.G for the State vehemently opposed this bail application.

5. Heard argument and perused the record.

6. Admittedly, co-accused Sahil alias Shakar Khan has already been granted bail by this Court vide order dated 23.12.2024 and the role so assigned against him is on same footing to that of present applicants/accused. Further, there is no independent witness to the incident despite of the fact that the complainant having advance information and place of incident was thickly populated area, which requires probe. The offence as alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants. The applicants are said to be in custody since their arrest and no more required for further investigation. In these circumstances a case for release of the applicants on bail on point of further enquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in sum of Rs.50,000/-each and PR bond in the like amount to the satisfaction of learned trial Court.

8. Needless to state that the observations hereinabove are tentative and shall not prejudice the case of the either side at trial.

9. The instant application is disposed of accordingly.

**JUDGE**

Ahmed/Pa,