

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

Cr.Bail Appln:No.S-1284 of 2024

Applicants: Jawed Khan son of Gul Mir Khan through Mr. Ahmed Nawaz Chang, Advocate.

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 applicant/accused seeks post-arrest bail in Crime No.247 of 2024, under section 8, the Sindh Prohibition of Preparation Manufacturing Storage Sale & Use of Gutka, Mainpuri Act 2019, registered at P.S. Matli District Badin, after his 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 applicant, the applicant is innocent and has falsely been implicated by the police in this case; that there is no any independent eye witness of the alleged offence and all the witnesses are sub-ordinate 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 applicant/accused is in custody since his arrest and he is no more

required for further investigation. He lastly prayed for grant of bail to the applicant/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, 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 applicant. The applicant is said to be in custody since his arrest and no more required for further investigation. In these circumstances a case for release of the applicant on bail on point of further enquiry is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.50,000/- 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**