

**HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS**  
**Crl. Bail Application No.S-245 of 2025**

Applicant/ accused: Abdul Jabbar s/o Ghulam Rasool @ Hothi  
Through Mr. Muhammad Saleem Kunbhar  
advocate.

The State: Through, Mr. Neel Parkash, D.P.G.

Date of hearing: 14.10.2025

Date of Order: 14.10.2025

**O R D E R.**

***Shamsuddin Abbasi, J. :-*** Applicant Abdul Jabbar seeks pre-arrest bail in F.I.R No.76/ 2025 of P.S Digri for offence under section 3-4 P.E.H.O, 1979, after dismissal of his bail plea by learned Sessions Judge, Mirpurkhas vide order dated 30-07-2025 passed in Criminal Bail Application No.640 of 2025.

2. It is alleged in the F.I.R that 5275 liters unprepared liquor and 15 liters prepared liquor were recovered from the place of incident whereas applicant was succeeded to make his escape good from the place of occurrence while police arrested co-accused Kastooro.

3. The learned counsel for the applicant submits that applicant is innocent person and he has been falsely implicated in this case; that alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C; that there is violation of section 103 Cr.P.C as complainant failed to associate two respectable persons of the locality to witness alleged recovery; that nothing incriminating material has been recovered from the applicant after joining investigation; that main accused was arrested by the police from the scene of offence alongwith recovered liquor. Lastly, the learned counsel prayed for confirmation of bail to the applicant.

4. Learned Deputy Prosecutor General opposed for the grant of bail on the ground that applicant is nominated in the F.I.R; that huge quantity of liquor was recovered from the place of incident, therefore, applicant is not entitled for the grant of pre-arrest bail.

5. Heard learned counsel for the applicant, learned D.P.G and perused the material available on record. It is matter of record that co-accused Kastooro, who is main accused and nominated in the F.I.R, was arrested from the place of incident alongwith huge quantity of liquor, whereas it is alleged that applicant succeeded to escape from the place of incident. It is settled position that merit of the case can be considered in pre-arrest bail as held by honoruable Supreme Court of Pakistan in case of *Khair Muhammad and another vs. The State through P.G Punjab and another* (**2021 S C M R 130**). Alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C and rule in such like cases is grant of bail and it's refusal an exception as held in a case of *Muhammad Tanveer vs. The State* reported in **PLD 2017 SC 733**. Case has been challaned and applicant has joined the investigation and no any incriminating material has been recovered from his possession and he is no more required for further investigation. Sufficient grounds are available on record, which make out the case of the applicant for further inquiry in terms of section 497(2) Cr.P.C.

6. In view of above position, interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

**JUDGE**

