

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-310 of 2025

Applicant: Muhammad Javed S/o Allah Bachayo,
Through Mr. Nadeem Abbasi, Advocate.

Respondent: The State.
Through Mr. Azhar Nizam Baloch, A.P.G.

Date of Hearing: 13.11.2025

Date of Order: 13.11.2025.

O R D E R

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks post arrest bail in F.I.R No.53/2025 for offence punishable under section 4/8 of Sindh Prohibition of Preparation, Manufacturing, Store, Sale and Use of Gutka and Manpuri Act, 2019 registered at P.S Taluka Mirpurkhas, after dismissal of his bail plea by the learned trial Court vide order dated 29-10-2025.

2. It is the case of the prosecution that on 19-09-2025 at about 1500 hours, ASI Liaquat Ali, accompanied by HC Muhammad Irfan and PC Tanveer Hussain left police station in government vehicle for routine patrolling. During patrolling on Umerkot Road, they apprehended the applicant/accused and recovered 260 sacks of crushed betel (Chaliya) weighing a total of 2860 kilograms. The police prepared memo of arrest and recovery and separated samples for chemical analysis. The recovered items were then taken to the police station, where the complainant lodged the FIR.

3. Learned counsel for the applicant has mainly contended that though complainant received spy information in advance but he has failed to associate any private person to witness the alleged arrest and recovery which is clear violation of section 103 Cr.P.C; that nothing was recovered from the possession of the applicant; that alleged offence does not come within the ambit of prohibitory clause of section 497(1)

Cr.P.C; that the applicant is confined in jail and no more required for the purpose of investigation. Lastly he prayed for the grant of bail.

4. Learned A.P.G for the State has opposed for grant of bail to the applicant on the ground that huge quantity of prohibited articles under SPPMSS were recovered from the possession of the applicant, as such, he is not entitled for grant of bail.

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

6. No doubt, the alleged offence does not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C., and in such like cases grant of bail is a rule and refusal is an exception, as held by the Honourable Supreme Court in Muhammad Tanveer v. The State **PLD 2017 SC 733**. The record reflects that despite prior spy information, no private person was associated to witness the recovery of prohibited articles and arrest or recovery, which prima facie, case calls for further enquiry in terms of section 497(2) Cr.P.C. The case has been challaned and applicant is no more required for further investigation. No purpose would be served out to keep him incarceration.

7. In view of the above, the applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and a P.R Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal