

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

Crl. Bail Application No.S-320 of 2025

Applicant: Than Singh S/o Herji Singh,
Through Mr. Aziz Ahmed Laghari, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, Deputy P.G.

Date of Hearing: 25.11.2025

Date of Order: 25.11.2025

O R D E R

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks post arrest bail in Crime No.215/2025 for offence under Article 3 and 4 of P.E.H.O, 1979 of PS Khipro, after dismissal of his bail plea by the learned Additional Sessions Judge, Khipro, vide order dated 31.10.2025.

2. Brief facts of the prosecution case are that on 03-10-2025 during patrolling police party of PS Khipro headed by ASI Ameer Bux Hingoro, received spy information that applicant/accused alongwith co-accused are preparing desi wine by installing *Bhatti* under Khabbar trees near their houses situated in village Phulaho. After receiving such information they reached at the pointed place at 1800 hours and saw that two persons were available there; they identified them as Than Singh and Samander Singh, both sons of Herji Singh Thakur. Accused Samander Singh succeeded to escape away while they apprehended accused Than Singh. They found that five blue colour, two black colour and one slaty colour drums, containing 200 liters prepared desi wine each total 1600 liters, were lying there. They also recovered two iron drums of 200 liters each. Some wine was taken from each drum i.e. 100 ml each in two plastic bottles for chemical examination. After preparation of such memo, they brought accused and recovered property at PS, where instant FIR was registered.

3. Learned counsel for the applicant submits that the property has been foisted upon the applicant due to malafide intention and ulterior motives; that the applicant is innocent, having no criminal record; that the complainant has not associated any independent or private mashirs; and that the alleged offence does not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C; that investigation has been completed and

applicant is confined in jail and no more required for the purpose of investigation. Lastly, he prayed for grant of bail.

4. Conversely, learned D.P.G for the State has opposed for the grant of bail to the applicant/accused.

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

6. No doubt, the alleged offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C and grant of bail in like cases is a rule and its refusal is an exception as held in a case of Muhammad Tanveer v. The State and another reported in **PLD 2017 S.C 733**. Admittedly, though complainant received spy information in advance and alleged offence is taken place in a village, but complainant has failed to associate any private person to act as mashir in this case and both the eye witnesses/mashirs are his sub-ordinate, hence it is clear violation of section 103 Cr.P.C. Case has been challaned and he is no more required for further investigation.

7. In view of the above, the instant bail application is allowed, and applicant/ accused is admitted on post arrest bail subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and P.R.Bond in the like amount to the satisfaction of 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