

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

Criminal Bail application No.S-1461 of 2025

Applicants	:	1. Shakeel Ahmed S/o Hakim Ali 2. Rahib Ali S/o Allah Warayo 3. Raheel s/o Khizar Through Mr. Imam Ali Chang, advocate.
Respondent	:	The State, through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh, along with SIP Rajab Ali PS Sekhat, District Matiari.
Date of hearing	:	05.01.2026
Date of order	:	<u>05.01.2026</u>

ORDER

TASNEEM SULTANA, J.- The applicants, above-named, seek pre-arrest bail in Crime No.63 of 2025, registered at Police Station Sekhat, District Matiari, under Sections 4/8(i) of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019. Their bail plea was earlier declined by the learned Additional Sessions Judge, Matiari, vide order dated 25.11.2025.

2. Brief facts of the case are that on 17.11.2025, the police party of P.S. Sekhat, headed by ASI Abbas Ali Lakho, while on patrol duty, received spy information and proceeded to the Bust Stop Sekhat, National Highway, where during snap checking a white Mahran car bearing Registration No. AQM-669, coming from Matiari towards Hala, was intercepted. On seeing the police party, three persons, namely Rahib Ali, Raheel, and Shakeel, alighted from the vehicle and fled away, leaving the car behind. Upon search of the said vehicle, three white-colored kattas were found, one containing 2000 mainpuries and two kattas containing 1600 mainpuries each, in total 5200 mainpuries, were allegedly recovered and secured by the police. Hence, FIR was lodged.

3. Learned counsel for the applicants contended that the alleged offence do not fall within the prohibitory clause of Section 497 Cr.P.C., as maximum punishment provided therein is three years; that there exist no reasonable grounds to believe that the applicants committed the alleged offence; that the case rests on police witnesses only, who are interested and subordinate officials; that no independent mashir was associated, which diminishes credibility; that applicants are neither hardened nor previous convicts, hence their case falls within the scope of "further inquiry" under Section 497(2) Cr.P.C. Reliance is placed on 2022 *PCrLJ* 143 (*Muhammad Eidan versus The State*) and 2022 *PCrLJ Note* 118 (*Abdul Aziz versus The State*).

4. Conversely, learned Assistant Prosecutor General opposed the instant bail application, and contended that huge recovery of hazardous Gutka was effected from the vehicle driven by the applicants, their names are specifically mentioned in FIR; that the offence under the Gutka and Manpuri Act, 2019, affects the society at large; that no malafide is attributable to the police for false implication.

5. Heard and record perused.

6. It is manifest from the record that the recovery was allegedly effected from the vehicle allegedly driven by one of the applicants. Whether such recovery can legally be attributed to the applicants is a matter that requires determination by the trial Court after recording of evidence. At this stage, the Court is not expected to enter into deeper appreciation of evidence but only to assess whether reasonable grounds exist for believing that the applicants/accused are connected with the commission of the alleged offence. The absence of any independent mashir from the locality, despite the occurrence at a public place, calls for further inquiry into the prosecution case.

7. It is also relevant to note that the maximum punishment provided under Section 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019 is three years. In such like cases grant of bail is a rule and refusal will be exception. In this regard reliance is placed upon the cases of *Tarique Bashir and 5 others v. State (PLD 1995 SC 34)* and *Muhammad Tanvir and another versus The State (PLD 2017 SC 733)*.

8. The investigation in the case has been completed, and challan has already been submitted before the competent Court. Hence, putting the applicants behind the bars would serve no useful purpose, particularly when there is no apprehension of tampering with prosecution evidence, which primarily comprises of police witnesses.

9. In view of above legal position, the case of the applicants falls within the ambit of further inquiry under Section 497(2), Cr.P.C. Consequently, the instant bail application was allowed vide my short order dated 05.01.2026. The interim pre-arrest bail granted to the applicant/ accused by this Court vide order dated 01.12.2025 was confirmed on the same terms and conditions. These are the reasons in support thereof.

10. Needless to mention that observations made hereinabove are tentative and shall not prejudice the learned Trial Court at the stage of trial.

J U D G E