

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

Criminal Bail Application No.S-1437 of 2025

Applicants : 1. Sikander Ali S/o Ghulam Ali
2. Shabeer Ahmed S/o Muhammad Ramzan
Through Mr. Merrukh Zehri, advocate.

Respondent : The State, through Ms. Rameshan Oad,
Deputy Prosecutor General, Sindh.

Date of hearing : 09.01.2026
Date of order : 09.01.2026

ORDER

TASNEEM SULTANA, J.- The applicants, above-named, seek post-arrest bail in Crime No.247 of 2025, registered at Police Station Matli, District Badin, under Sections 8 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 Sessions Judge, Badin, vide order dated 11.11.2025:

2. Brief facts of the case are that on 29.10.2025, the police party of PS Matli, headed by ASI Noor Muhammad Khaskheli, while on patrol duty vide Daily Diary Entry No. 20, reached Check Post Baaran and started checking vehicles. At about 1600 hours, a Toyota Corolla Indus car bearing Registration No. AHX-029 was stopped for checking. Two persons, namely Sikandar Ali and Shabbir Ahmed, were found sitting inside the vehicle. Upon search of the trunk, two white-colored gunny bags containing Indian Safina Gutka were recovered, each bag containing 50 packets, and each packet having 110 sachets, in total 11,000 Safina Gutka sachets. The applicants/accused were arrested at the spot and the recovered Gutka along with the vehicle was secured by the police. Hence, the FIR was lodged.

3. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated in this case; 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 Deputy 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 09.01.2026, and the applicants Sikander Ali and Shabeer Ahmed were admitted to bail, subject to furnishing solvent surety in the sum of Rs.50,000/- each and P.R. Bond in the like amount to the satisfaction of the trial Court. 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.



CERTIFIED TRUE COPY
18/01/2026
(SHEHANA)
Assistant Judge
High Court of Sindh,
Circuit Court, Hyderabad

Sd/-MRS TASNEEM SULTANA
JUDGE. 10.1.2026