THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1327 of 2026

Applicant:	Sanaullah through Mr. Ameer Bux Bajeer, Advocate.
Respondent:	The State through Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh.
Date of hearing:	10.11.2026.
Date of order:	10.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J: - The applicant, Sanaullah son of Mian Khan, seeks post-arrest bail in Crime No.150 of 2026, registered at Police Station Kario Gahnwar, District Badin, under section 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019 ("the Act"). His earlier application was dismissed by the learned Sessions Judge, Badin, on 29.08.2026.

2. Briefly, the prosecution alleges that on 04.07.2026, at about 1920 hours, a police party apprehended the applicant near Rahoki Stop on Kario Gahnwar Road. The police claim to have recovered a bulk consignment of Safina gutka, comprising of 33,000 sachets. The prosecution also named Sher Muhammad and Muhammad Saleh as co-accused.

3. Learned counsel for the applicant contends that the police foisted the recovery upon the applicant because he had led a protest against a police officer. He contends that the allegation that the applicant drove the vehicle did not establish his knowledge of or control over its contents. He questioned the failure to associate any private mashir at a public place and contends that no sample was sent for chemical examination immediately. He also relies on the grant of bail to both co-accused namely, Muhammad Saleh and Sher Muhammad and contends that the offence fell outside the prohibitory clause of section 497 (1) Cr.P.C.

4. Learned D.P.G., Sindh, opposes the application, relying on the applicant's alleged role as driver and the quantity of gutka reportedly recovered from the vehicle. He contends that the police witnesses supported the recovery and prayed for dismissal of the application.

5. Section 8(1) of the Act prescribes imprisonment extending to three years, and the material placed before the Court discloses no previous conviction attracting the enhanced punishment under section 8 (2). The alleged offence therefore falls outside the prohibitory clause of section 497(1) Cr.P.C. In TARIQUE BASHIR v. The STATE (PLD 1995 SC 34), the Supreme Court held that grant of bail in such cases is the rule and refusal an exception. The applicant's alleged role as driver is relevant, but whether he knew of and exercised control over the consignment requires evidence. These circumstances call for further inquiry into the applicant's guilt within the meaning of section 497 (2) Cr.P.C.

6. Upon tentative assessment, the applicant has made out a case for bail. Accordingly, the application is **allowed**. The applicant, Sanaullah son of Mian Khan, is **admitted** to post-arrest bail in the aforesaid crime subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. These observations are tentative and shall not prejudice the determination of the case on merits.

JUDGE

Abdullah Channa/PS