

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
**Criminal Bail Application No. S-548 of 2025**

**Applicant** : Noor Nabi @ Makhan son of Abdul Nabi Dayo, in person.

**Complainant** : Muhammad Razzak through Mr. Mazhar Hussain Mangrio, Advocate

**Respondent** : The State  
Through Mr. Ali Anwar Kandhro, Addl. Prosecutor General, Sindh along with SIP Nadeem Ahmed

**Date of Hearing** : 27.10.2025

**Date of Order** : 27.10.2025

**ORDER**

**AMJAD ALI SAHITO, J--** Through this Bail Application, the applicant/accused Noor Nabi @ Makhan seeks pre-arrest bail in Crime No.33 of 2025 registered with Police Station Karan Shareef, for the offence under Section 462-B, 427, 34 PPC, after his bail plea has been declined by the learned Addl. Sessions Judge-III, Shikarpur, vide order dated 29.09.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. The applicant is present; however, his counsel is called absent. The instant Criminal Bail Application was presented on 06.10.2025 and since then, no progress is made.

4. Per applicant present in person, he is innocent and has falsely been implicated in this case; that the FIR is delayed for two days for which no plausible explanation has been furnished; that the incident is unseen but the sub-ordinate staff disclosed the name of the applicant/accused; that all the witnesses are sub-ordinate staff of complainant and no any independent witness has

been associated by the complainant since the place of incident is thickly populated area. Lastly, he prays for confirmation of bail.

5. Learned Addl. P.G, Sindh has read over the FIR. Mr. Mazhar Hussain Mangrio, Advocate files Vakalatnama on behalf of the complainant, same is taken on record. They, however, oppose the bail application.

6. Heard arguments and perused the record.

7. From the perusal of the record, it reveals that the name of the applicant/accused has been specifically mentioned in the FIR with an assigned role to the effect that, on 20.09.2025, they were found loading crude oil drums into a Datsun vehicle. Furthermore, on the same day, Security Supervisors Liaquat and Aftab Ali, during their routine inspection, reached Parco Pipeline at 191-000 kilometer near Bhaya Wah at about 1700 hours, where they noticed traces of oil at various locations. Upon such observation, they immediately informed the complainant via mobile phone and proceeded towards Bhaya Wah for further checking.

8. During inspection, they discovered that a high-pressure black rubber pipe had been extended from Bhaya Wah towards the Highway. Following the oil traces up to the Highway Road, they observed, at a distance of approximately 150 feet from the road towards the northern side, the presence of the accused persons: (1) Abdul Nabi son of Qalandar Bux, (2) Makhan son of Abdul Nabi, (3) Zeeshan Ahmed son of Irshad Ahmed all by caste Daya and (4) Najeeb, (5) Ghulam Hussain, (6) Amber, and (7) Zafar, all sons of unknown persons and by caste Arain, along with four unidentified persons. These individuals were standing on the southern side of the road near a Datsun vehicle, in which crude oil drums were loaded.

9. At the place of incident, one brick structure (Batho) and an Otaq were also situated near the road. Liaquat Ali and Aftab Ali promptly conveyed the information to the concerned police station, whereafter the complainant proceeded to the spot. In the presence of police officials, the door of the Otaq was opened, from which one

high-pressure black rubber pipe measuring approximately 420 feet, an iron wall, ten sockets, and fourteen range (spanner) pans were recovered and taken into possession by the police.

10. Subsequently, the complainant party inspected the scene and found two jerry cans containing approximately 20 liters of crude oil, which were also seized by the police. Thereafter, with the assistance of Pipeline Engineer Rasool Bux Daudpoto and his team, the iron clip was removed, a safety clip was installed, and an additional high-pressure black rubber pipe measuring 2650 feet, along with four iron walls, was recovered and secured by the police. Upon completion of these proceedings, the complainant informed his superior officers and, after obtaining requisite permission, appeared at the police station and lodged the FIR.

11. No ill-will or malafide or enmity has been pleaded by learned counsel for the applicant in the memo of bail application for his false implication in this case. At bail stage, only tentative assessment is to be made.

12. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of **'Rana Abdul Khaliq v. The STATE and others'** [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill

criminal case as it seriously hampers the course of the investigation.

13. In view of the above, the applicant / accused has failed to make out a case for grant of bail. Resultantly, the instant Bail Application is **dismissed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 06.10.2025 is hereby recalled.

14. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants/accused on merits.

**JUDGE**

Zulfiqar