

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Bail Application No. S-116 of 2026

Applicant : Muhammad Mithal son of Gul Bahar
Magsi, through Mr. Athar Abbas
Solangi, Advocate.

Criminal Bail Application No. S-123 of 2026

Applicant : Pervez Ali son of Qaisar Khan Unar,
through Mr. Muhammad Hashim
Soomro, Advocate.

The State : Through Mr. Nazir Ahmed Bhangwar,
D.P.G a/w the Deputy Director Anti-
Corruption Establishment, Larkana/
I.O of the case.

Date of hearing : 07.05.2026
Date of Order : 14.05.2026.

ORDER

ABDUL HAMID BHURGRI, J.- This common order shall dispose of the above captioned two post-arrest bail applications arising out of one and the same crime number registered at the same Police Station.

2. The applicants, namely Muhammad Mithal and Pervez Ali, seek post-arrest bail in Crime No.01 of 2026, registered at Police Station A.C.E, Shikarpur, for offences punishable under Sections 409, 161, 477-A and 120-B, P.P.C. read with Section 5(2) of Act II of 1947, after dismissal of their post-arrest bail applications by the learned Special Judge, Anti-Corruption (Provincial), Larkana, vide order dated 26.02.2026.

3. Briefly stated, the prosecution case is that on 19.01.2026, a raid was conducted by the Anti-Corruption Establishment, Larkana, at the Food Go-down, Shikarpur,

consequent upon a source report, whereafter the subject F.I.R. was lodged alleging that government wheat pertaining to crop years 2022-23 and 2023-24 was found deficient/misappropriated from the go-down. The allegation against the present applicants is that, while serving as public servants, they committed fraud and misappropriation of government wheat in collusion with private persons, thereby causing huge financial loss to the Government exchequer.

4. Learned counsel for the applicants contended that the applicants have falsely been implicated in the present case on the basis of vague allegations. He argued that no mashirnama regarding the alleged shortage/misappropriation was prepared on the date of the raid and arrest of the applicants. According to him, the first verification/scrutiny report was prepared on 31.01.2026 after about fourteen days, whereas another report was subsequently prepared on 16.02.2026 in the presence of a Magistrate, at a time when the applicants were already behind bars. He further submitted that there are material discrepancies in the alleged quantity of shortage, inasmuch as the F.I.R. mentions shortage of 14,000 P.P. bags, whereas the report dated 31.01.2026 reflects shortage of 3,428 P.P. Kattas and the subsequent report dated 16.02.2026 shows shortage of 8,838 bags.

5. Learned counsel further submitted that one of the Incharges of Madeji Go-down has subsequently been placed in column No.2 of the challan, which itself requires deeper probe. He lastly contended that the entire case rests upon documentary

evidence already secured by the prosecution and no further recovery is required from the applicants.

6. Conversely, learned Deputy Prosecutor General opposed the instant bail applications on the ground that the applicants are specifically nominated in the F.I.R. and substantial incriminating material has been collected during investigation, which prima facie connects them with the commission of the alleged offence. He further submitted that the allegations pertain to misappropriation of government wheat involving huge loss to the public exchequer; therefore, no case for grant of bail is made out.

7. I have heard learned counsel for the parties as well as learned Deputy Prosecutor General and have gone through the material available on record with their able assistance. It appears from the record that no mashirnama regarding the alleged shortage/misappropriation of wheat stock was prepared on the date when the raid was conducted and the applicants were arrested. The first verification/scrutiny report appears to have been prepared after about fourteen days, whereas another report was subsequently prepared in the presence of a Magistrate. It further appears that during the intervening period, the applicants remained behind bars.

8. At this tentative stage, the evidentiary value and sanctity of such subsequent verification reports, prepared after considerable lapse of time and during custody of the applicants, would require deeper appreciation of evidence during trial. It is also significant that there are material variations regarding the alleged

quantity of shortage. In the F.I.R., the shortage has been alleged to be about 14,000 P.P. bags, whereas in the subsequent verification reports, the shortage was reflected differently. Prima facie, such discrepancies create doubt regarding the exact quantity of alleged shortage/misappropriation and the extent of involvement of the present applicants, thereby bringing the case within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

9. It has also been contended that one of the persons who was Incharge of Madeji Go-down has subsequently been placed in column No.2 of the challan. Though the prosecution may explain such aspect during trial, yet at this tentative stage, this circumstance too supports the plea that the precise role and responsibility of each accused is yet to be conclusively determined. Moreover, the entire case primarily rests upon documentary evidence already secured by the prosecution and no further recovery is stated to be required from the applicants.

10. No doubt, the allegations pertain to alleged misappropriation of government wheat involving public exchequer and are serious in nature. However, seriousness of allegation alone cannot defeat the concession of bail where the case otherwise calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

11. In the foregoing circumstances, the applicants have made out a case for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, both the post-arrest bail applications are allowed and the applicants are admitted to post-arrest bail subject to furnishing solvent sureties in the sum of Rs.500,000/-

(Rupees Five Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court.

12. Since the allegations pertain to alleged corruption and misappropriation of government wheat involving public exchequer, the applicants shall surrender their passports before the learned trial Court, which shall remain deposited there till conclusion of trial. However, in case the applicants intend to travel abroad, they may seek prior permission from the learned trial Court, which shall decide such request strictly in accordance with law.

13. The applicants shall regularly attend the proceedings before the learned trial Court and shall not misuse the concession of bail in any manner. In case the applicants misuse the concession of bail, the prosecution shall be at liberty to seek cancellation of bail in accordance with law.

14. Observations made hereinabove are purely tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Irshad Ali M/Steno