

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. D- 49 of 2022

Present:

Mr. Zafar Ahmed Rajput, J.
Mr. Irshad Ali Shah, J.

Applicant : Juma Khan s/o Nizamuddin Abbasi, through
Qurban Ali Malano, Advocate

Respondents : National Accountability Bureau & another,
through M/s. Mujeeb-ur-Rehman Soomro &
Bahawaldin Shaikh, Special Prosecutors, NAB

Date of Hearing : 31-01-2023
Date of Order : 31-01-2023

ORDER

Zafar Ahmed Rajput, J. - Applicant/accused Juma Khan s/o Nizamuddin Abbasi being abortive to get the concession of post-arrest bail, vide order dated 12.04.2022, passed by the Accountability Court, Sukkur in Reference No.22 of 2020 ("**Reference**"), seeks the same relief from this Court through instant Crl. Bail Application.

2. As per Reference, the allegation against the applicant is that he and accused No. 8 & 9 in connivance with others lifted Government wheat stock from PRCs Noorpur and Nausheroferoze in order to store it in a declared PRC, namely, M/s Gul Floor Mill Shahdadpur, where on inspection the said stock of wheat was found missing, which they unlawfully and illegally misappropriated causing loss to the public exchequer to the tune of Rs.10,02,62,715/-. As per Investigation Report, accused No. 8 & 9, namely, Munawar Ali Maher and Ghulam Ali Kamboh to the extent of 66 & 34 % shares, respectively, own M/s Gul Floor Mill, Shahdadpur jointly. Accused No. 8 lifted 2,090 jute bags (208.030 KGs) and 45,239 PP bags (2,220,962 KGs) through applicant/abettor.

3. Learned counsel for the applicant contends that the applicant is innocent and he has falsely been implicated in the Reference; he has no concern with the alleged offence; that the applicant served as manager in M/s Gul Floor Mill,

owned by accused No. 8 and 9, and without any call-up notice, he was arrested by the NAB Authority on 08.07.2020 and since then he is confined in judicial custody; that co-accused Munawar Ali Maher has already been admitted to post arrest bail by this Court vide order, dated 02.02.2022, passed in CrI. Bail Application No. D-253 of 2021; hence, he is also entitled for the concession of post-arrest bail as per rule of consistency.

4. Conversely, learned S.P., NAB opposes this application vehemently on the ground that the applicant is involved in misappropriating of huge wheat stock. He; however, admits that order, dated 02.02.2022, whereby co-accused Munawar Ali Maher was admitted to post-arrest bail, has not been assailed by the NAB authority before the Apex Court.

5. Heard learned counsel for the applicant, learned S.P., NAB and perused the material available on record.

6. It appears that the applicant was arrested on 08.07.2020; as such, he is confined in judicial custody for last 30 months and the trial has not yet been concluded. It further appears that co-accused Munawar Ali Maher has been admitted to post-arrest bail by this Court by observing that to connect him with the offence committed, further incriminating evidence/record is required. The case of the applicant appears to be on better footings as he has been nominated in the alleged crime as abettor of said co-accused. As such, the applicant is entitled for the grant of bail on the rule of consistency.

7. For the foregoing facts and reasons, the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of **Rs.15,00,000/-** (*Rupees Fifteen Lac Only*) with P.R bond in the like amount to the satisfaction of the trial Court.

8. Needless to mention here that in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after serving notice upon the applicant as per law.

JUDGE

JUDGE

Abdul Basit