

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 06 of 2023

Crl. Bail Application No. 31 of 2023

Crl. Bail Application No. 42 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

10-04-2023

Mr. Aneel Zia, Advocate a/w applicants.

Mr. Talib Ali Memon, A.P.G. a/w Hafiz M. Zohaib, Entomologist,
Department of Plant Protection, Karachi.

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Omar Sial, J: Khawaja Mohammad Zubair (through Criminal Bail Application No. 6 of 2023), Mohammad Asif, Mohammad Ayub Surti and Sardar Mohammad Aijaz Ashraf (through Criminal Bail Application No. 31 of 2023) and Syed Adeel Akhtar Shah (through Criminal Bail Application No. 42 of 2023) have all sought pre-arrest bail in crime number 678 of 2022 registered under sections 420, 468, 471 and 34 P.P.C. read with section 26-A of the Agriculture Pesticide Ordinance, 1971 at the Docks police station. Earlier, their application seeking bail was dismissed on 31.12.2022 by the learned 8th Additional Sessions Judge, Karachi West.

2. A background to the case is that all the applicants are accused of importing and distributing agricultural pesticide and the aforementioned F.I.R. was registered on 07.12.2022 on the complaint of one Hafiz Mohammad Zohaib who reported an incident that had occurred on 06.11.2022. Although the F.I.R. is unnecessarily lengthy, what the basic fact is that a pesticide with the name of *Maitu* was imported from China which was allegedly not according to the requisite specifications.

3. The record reveals that the Industrial Analytical Center vide its report dated 28.12.2022 has opined that the samples of *Maitu* sent to it for analysis complies with the product specifications. Samples of *Maitu* were also sent to the Pesticide & Fertilizer Quality Control and Testing Laboratory

on the orders of a learned Division Bench of this Court vide order dated 21.03.2023 passed in C.P. No. D-199 and D-373 of 2023. The laboratory through its report dated 20.03.2023 has reported that *Maitu* was indeed of standard specifications. Learned APG nor the authorized representative of the Entomologist Department, Government of Sindh could controvert the said report put on record.

4. Prima facie at this stage, it appears that the accusation made that the pesticide was not according to specifications may not be correct. The case against the applicants is thus one of further inquiry. Malafide in registering this case cannot be conclusively ruled out keeping in view that 2 laboratories of repute have opined that the samples sent to them of *Maitu* were of the requisite specifications.

5. The interim pre-arrest bail granted to the applicants earlier stands confirmed on the same terms and conditions.

JUDGE