

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2475 of 2023**

Applicants : Ghaffar Khaskheli, Zain-ul-Abdin and Gulzar
through Mr. Samiullah Shah, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.
along with complainant and S.I. Raja Hamid, I.O.

Date of short order : 8th December, 2023

Date of reasons : 15th December, 2023

ORDER

Omar Sial, J: Ghaffar Khaskheli, Zain-ul-Abdin Perozani and Gulzar Perozani were arrested on 24.10.2023 when they were riding in a Suzuki vehicle which was carrying a dead chicken. F.I.R. No. 162 of 2023 was registered under sections 353, 337-J, 269, 270 and 34 P.P.C. at the Gharo police station.

2. The three accused applied for bail before the learned 2nd Additional Sessions Judge, Thatta, but their application was dismissed on 27.10.2023.

3. I have heard the learned counsel for the applicants and the learned Additional Prosecutor General.

4. All sections except section 337-J P.P.C. are bailable, which means bail should be granted as of right and is not a favour. Reference be made to Tariq Bashir and 5 others vs The State (PLD 1995 SC 34). Regarding the offence under section 337-J, which is not bailable, it is an admitted position that the dead chicken was not supplied to anybody for human consumption. The prosecution case would fall under an attempt. More importantly, though, the applicants' stance has been that the dead chicken they carried was not for human consumption but for the manufacture of

poultry feed. This Court summoned the Director of Model Poultry Products, the private limited company, to which the dead chicken supply was to be made. The Director appeared and confirmed that his company is engaged in recycling, converting it into urea and poultry product meal and that the Suzuki was heading to his factory when the applicants were arrested. Police investigation has not proved anything otherwise. On the contrary, it seems that the arrogant attitude of the applicants, when stopped to be searched may have contributed to their fate. Be that as it may, it appears after the appearance of the Director that the case against the applicants is one of further inquiry.

5. Above are the reasons for the short order dated 08-12-2023.

JUDGE