

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 856 of 2023

Date of hearing

Order with signature of Judge

For hearing of bail application

1. For order on office objections at Flag-A
2. For orders on MA No.7307/2023
3. For hearing of bail application

29.12.2023

M/s Mehfooz Ahmed Awan, Farhan Ali Shaikh and Ateeq ur
Rehman Shaikh, Advocates for applicant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Applicant, on spy information, was arrested on 28.10.2023, when he was found standing on a link road Sathio Wah within jurisdiction of Police Station Babarloi near a car with a sack lying beside him full of bullets of KK rifle and magazines. The person, who was driving the car, however, made his escape good. On counting, KK bullets turned out to be 3400 and 18 magazines. Hence, FIR.

2. Learned Counsel submits that offence does not fall under prohibitory clause of Section 497(i) CrPC. The bullets were not sealed at the spot, nor sent for FSL report; hence, it is unclear that whether the property, as alleged, was the same or not. Even at the time of submission of the Challan, the property was not deposited in the *malkhana* of the Court. Applicant is a first offender, aged about 20 years, with no criminal record.

3. Learned Additional Prosecutor General has opposed bail.

4. However, since the case has been challaned and applicant is no more required for further investigation, and more so, as *prima facie* the property was not sent to expert for FSL report, nor sealed at the spot, the case against the applicant requires further enquiry.

5. Accordingly, this application is **allowed**, and applicant is **granted** post-arrest bail subject to furnishing a solvent surety in

the sum of Rs.1,00,000/- (Rupees one lac) and PR bond of the same amount to the satisfaction of the trial Court.

6. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit