

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

Criminal Bail Application No.S-168 of 2021.

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**DATE      ORDER WITH SIGNATURE OF JUDGE**

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For orders on office objections.

For hearing of main case.

19.11.2021.

Mr. Ayatullah Khuwaja advocate for the applicant.

Mr. Shewak Rathore, Deputy Prosecutor General alongwith Asad Ali Korai  
AD/I.O. of the case.

Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant was District Food Controller Shaheed Benazirabad in the year 2020 when an FIR was registered by Storage Enforcement Officer of Food Department at P.S. 60-Mile District Shaheed Benazirabad leveling allegations that wheat stock collected from different sources and kept at food center Chak No.3 by him has been misplaced through manipulation and fraud committed by him. The FIR however was subsequently transmitted to ACE District Shaheed Benazirabad where it was incorporated under Section 154 CrPC as Crime No.01/2021 under Sections 420, 406, 409 PPC r/w Section 5(2), Act-II of 1947.

I have heard learned defence counsel, learned APG and I.O. of the case. I.O. has submitted that this is not a case of misappropriation but misuse of power. There was government policy to capture and collect wheat from different landlords due to difference between government rate and market price of the staple and keep stock at some place for providing to government to balance difference in prices but applicant who was District Food Controller failed to implement the policy. Evidence showing that any wheat was collected and kept at some food center by the applicant and thereafter it got misplaced could not be found. Learned APG has also reiterated the same facts in his arguments and submit that Government has not suffered any loss.

In view of such position, the case against the applicant requires further inquiry as applicability of section 409 PPC in absence of any entrustment of the stock to the applicant is yet to be determined by learned trial Court. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 22.02.2021 is hereby confirmed on the same terms and conditions. Show cause notice issued to I.O. vide order dated 15.11.2021 is hereby recalled.

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

**JUDGE**

Irfan Ali