

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Applications No. 1180 of 2024**

**Present:**  
**Justice Zafar Ahmed Rajput**  
**Justice Ms. Tasneem Sultana**

Applicant	:	Qaiser Miyan s/o Muhammad Sabir, through M/s. Syed Zulfiqar Ali Shah and Kamran Ali Jokhio, Advocates.
Respondent	:	The State, through Mr. Mumtaz Ali Shah, A.P.G. -----
Date of hearing	:	22.04.2025
Date of order	:	22.04.2025 -----

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through listed Cr. Bail Applications, applicant/accused Qaiser Miyan s/o. Muhammad Sabir seeks post-arrest bail in Crime/FIR No. 645/2023, registered under section 23(1)(a) of Sindh Arms Act, 2013 (**the “Act”**) at P.S. Docks, Keamari, Karachi. His earlier application for the same relief bearing No. 154 of 2024 were dismissed by the Anti-Terrorism Court No. XIV, Karachi, vide orders dated 06.04.2024.

2. Brief facts of the case are that, on 13.12.2023, P.I Mir Muhammad Lashari of P.S. Docks Keamari, Karachi arrested the applicant in Crime No. 643 of 2023, registered under section 23(1)(a) of the Act and recovered from his possession six unlicensed live bullets of 9 mm; for that he was booked in the aforesaid Crime.

3. After hearing the learned counsel for the applicant as well as A.P.G. and perusing the material available on record, it appears that the applicant is confined in judicial custody for last more than one year and five months and the police have already submitted the challan against him; hence, his custody is no more required for investigation purpose. Under section 23(1)(a) of the Act, the punishment for possessing unlicensed ammunition may extend to fourteen years. The discretion is; however, left open with the trial Court by the legislature

either to award maximum or lesser punishment to the accused keeping in view the surrounding circumstances commensurate with the nature of the case.

4. In the instant case, it is an admitted position that the F.I.R. does not disclose the name of the mashirs in whose presence the alleged recovery of ammunition was affected, which lapse on the part of the prosecution creates doubt in alleged recovery making the case of prosecution as of further inquiry; benefit of which would go to applicant, who is in circumstances entitled to bail. Accordingly, the instant application is allowed and in result thereof the applicant is admitted to post-arrest bail in aforesaid Crime/offence subject to furnishing by him solvent surety in the sum of Rs.100,000/- (*Rupees One Hundred Thousand only*) and P.R. Bond in the like amount to the satisfaction of the trial Court.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. In case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

CrI. Bail application stands disposed of.

JUDGE

JUDGE

*Athar Zai*