

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1031 of 2026

Applicant: Muhammad Nawaz Sharif son of Ali Sher, through
Mr. Gahi Khan Jatoi, Advocate.

Respondent: The State through Mr. Altaf Hussain Khokhar,
District Prosecutor General, Sindh.

Date of hearing: **24.08.2026**

Date of Order: **24.08.2026**

O R D E R

RIAZAT ALI SAHAR, J:- Through the instant criminal bail application, applicant/accused Muhammad Nawaz Sharif seeks the concession of post-arrest bail in Crime No. 05/2026 registered at Police Station Wildlife Station, Jamshoro Taluka Kotri District Jamshoro, for offences punishable under Sections 9(1)(c)(d), 31, 32(b), and 76 of the Sindh Wildlife Protection, Preservation, Conservation and Management Act, 2020 read with Rules 56(1) and 57(6) of the Sindh Wildlife Protection Rules, 2022 and CP-3287 of Sindh High Court. The applicant previously moved a post-arrest bail application before the learned trial/Additional Sessions Judge-II, Jamshoro, which was declined vide order dated 25.07.2026; hence, he has approached this Court for the required relief.

2. Precisely, the facts of the prosecution case as embodied in the FIR are that on 13.07.2026, the complainant Hyder Ali Khoso, Wildlife Guard, while on duty at Jamshoro Toll Plaza, received spy information regarding a container loaded with illegal timber coming from Hyderabad. Acting upon said information, the official team intercepted a trailer/container bearing Registration No. TLC-049 near the New Jamshoro Interchange. Upon inquiry, the driver disclosed his name as Muhammad Nawaz Sharif and admitted that the container was loaded with timber of *Acacia/Babbar* trees. Upon inspection, timber was found inside, and on demand, the driver failed to produce a valid permit or authorization for its transit. Consequently, the subject FIR was registered against him on behalf of the State.

3. Learned counsel for the applicant, inter alia, contends that the applicant is innocent and has been falsely implicated in this case; that he is merely a professional container driver by trade, earning his livelihood by transporting goods loaded by consignors; that he has no nexus, connection, or ownership interest in the alleged

cargo/wood, nor had any knowledge of its illegal procurement; that no illegal tree-felling or extraction from any protected wildlife area or forest is attributed to the applicant; that despite the alleged interception at a busy public place (Jamshoro Toll Plaza/Interchange), no private or independent witness was associated by the raiding team, violating Section 103 Cr.P.C.; that the maximum punishment provided for the alleged offence under the Third Schedule of the Act does not fall within the prohibitory clause of Section 497 Cr.P.C.; and that the investigation is complete, the applicant is no longer required for recovery or interrogation, and his continued detention behind bars amounts to pre-trial punishment.

4. Conversely, learned Deputy Prosecutor General appearing on behalf of the State strongly opposed the grant of post-arrest bail, contending that a heavy consignment of *Acacia/Babbar* timber was recovered from the container driven by the applicant without a valid permit, in violation of statutory rules and High Court directives.

5. I have heard the learned counsel for the parties, perused the material available on the record, and applied my mind to the relevant legal provisions.

6. Tentative assessment of the record indicates that the present applicant is a simple commercial driver by profession, engaged in transporting goods loaded onto his vehicle by third-party consignors in the ordinary course of employment. The record is bereft of any allegation that the applicant himself felled, extracted, or illegally harvested any protected trees or timber from a designated wildlife sanctuary, national park, or protected forest area. Whether the applicant had conscious knowledge (*mens rea*) of the alleged absence of a valid transit permit or was acting solely in his capacity as a hired driver without criminal intent remains a matter of further inquiry under sub-section (2) of Section 497 Cr.P.C.

7. Furthermore, Section 9(1)(c) of the penal provisions invoked under the Sindh Wildlife Protection Act, 2020 is punishable with imprisonment up to six months with fine and is bailable one. While Section 9(1)(d) carries punishment up to five years with fine. It is important to note that sections 31 and 32(b) of the said act which procedural/police powers and do not prescribe punishment. Whereas, section 76 provides that where a person commits an act prohibited under the Forest Act, 1927 in a protected area, he is deemed an offender under the Wildlife Act and the penalties under the Forest Act apply *mutatis mutandis* which too carries six months punishment or fine, or both, therefore, sections so applied do not cross the threshold of the prohibitory clause of Section 497 Cr.P.C. It is an established principle of law that in offences not falling within the ambit of the prohibitory clause, the grant of bail is a rule and refusal is an exception, as authoritatively settled by the Honorable Supreme Court of Pakistan in *Tariq Bashir v. The State* (PLD 1995 SC 34) and reaffirmed in *Muhammad Tanveer v. The State* (PLD 2017 SC 733).

8. Guidance is also drawn from the dictum laid down by the Apex Court in Muhammad Shakil v. The State (PLD 2014 SC 458), wherein it was observed that where an accused is a professional driver/transporter carrying consignment under the color of employment, without a direct link to the illegal origin or procurement of the goods, his guilt and active participation require determination at trial after evaluation of evidence.

9. Additionally, the alleged interception occurred at a heavily populated commercial point (Jamshoro Toll Plaza/Interchange), yet the prosecution team failed to join any independent private witness to witness the search and recovery, rendering the evidentiary value and effect of non-compliance with Section 103 Cr.P.C. a matter for the learned trial Court to determine. The investigation is complete, the subject vehicle and timber have already been seized, and the applicant is no longer required for further custodial interrogation.

10. In view of the above circumstances, the instant bail application is allowed. Applicant Muhammad Nawaz Sharif is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- with PR bond in the like amount to the satisfaction of the learned trial Court.

11. The observations made hereinabove are purely tentative in nature and shall not influence the learned trial Court in deciding the case on its merits.

JUDGE

Ahmed/Pa,

