

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1051 of 2026

Applicants: Muhammad Younus son of Muhammad Akbar, Sallahuddin son of Khudai Ram and Naimatullah son of Sadullah all by caste Pathan, through Mr. Asif Ali Solangi, 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 this post-arrest bail application, applicants/accused Muhammad Younus, Salahuddin, and Naimatullah seek concession of post-arrest bail in Crime No. 06/2026 registered at Police Station Wildlife Station, 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(2) and 57(6) of the Sindh Wildlife Protection Rules, 2020. Their earlier application for post-arrest bail was declined by the learned Additional Sessions Judge-II, Jamshoro, vide order dated 25.07.2026.

2. Brief facts of the prosecution case as set out in the FIR are that on 13.07.2026 at 20:45 hours, the complainant Sohrab Shahani, Wildlife Guard, lodged the report stating that while on duty at Taluka Manjhand, he received information from P.S. Amri that a police patrolling team had intercepted two trollers loaded with cut wood (*Charkandi* and *Khabar/Kandi*). The complainant along with staff reached the spot, intercepted the vehicles, and interrogated the present applicants, who disclosed their names and stated that they were transporting the consignment from Shahdadt Kot without any road permit. It is alleged that the applicants violated Order CP-No. 3287/2022 and provisions of the Sindh Wildlife Protection, Preservation, Conservation and Management Act, 2020; hence, the FIR was registered.

3. Learned counsel for the applicants contends that the applicants are innocent, have been falsely implicated in this case, and that the prosecution story is fabricated; that the applicants are professional goods drivers by trade who were merely transporting the consignment from Balochistan to Nooriabad under valid transport documentation

(Goods Receipts) in the ordinary course of employment without any mens rea or knowledge of any unlawful activity; that no timber or wood was harvested or removed by the applicants from any protected forest or wildlife sanctuary; that despite the alleged interception taking place on a public highway/populated area, no independent witness was associated by the prosecution, violating the mandate of Section 103 Cr.P.C.; that all the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C.; and that investigation is complete, the applicants are no longer required for recovery, and continuous incarceration would serve no useful purpose.

4. On the other hand, learned Deputy Prosecutor General appearing for the State opposed the grant of bail on the premise that a vast quantity of protected timber/wood was recovered from the possession of the applicants, and they failed to produce a valid transit permit on the spot.

4. I have heard the learned counsel for the parties, perused the material available on record with their assistance, and evaluated the law applicable thereto.

5. A preliminary assessment of the record reveals that the applicants are bona fide drivers/transporters by profession, engaged in carrying goods in the ordinary course of business. No allegation exists on record that the applicants cut, felled, or extracted the subject timber from any declared wildlife sanctuary, national park, or protected forest area. Whether the applicants possessed the requisite *mens rea* or were active participants in violating the relevant provisions of the Sindh Wildlife Act, 2020, or were merely acting under contractual employment as goods carriers, remains a matter requiring further inquiry within the contemplation of sub-section (2) to Section 497 Cr.P.C.

6. 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 a well-settled principle of criminal jurisprudence that in offences not falling within the prohibitory clause of Section 497 Cr.P.C., the grant of bail is a rule and refusal an exception, as held by the Honorable Supreme Court of Pakistan in *Tariq Bashir v. The State* (PLD 1995 SC 34) and reiterated in **Muhammad Tanveer v. The State** (PLD 2017 SC 733).

7. Reliance is also placed on the dictum laid down in **Muhammad Shakil v. The State** (PLD 2014 SC 458), wherein it was observed that where an accused person is a

simple transporter carrying goods under color of employment, without direct nexus to the illegal procurement or extraction of contraband/restricted materials, the question of conscious knowledge and guilt requires determination at trial after recording evidence.

8. Additionally, despite the alleged search and recovery taking place on a public road/highway, the record reflects that no private or independent witness from the locality was joined to associate with the recovery proceedings, rendering the applicability and effect of Section 103 Cr.P.C. open to scrutiny before the learned trial Court. Investigation in the instant case is complete, the applicants are no longer required for interrogation or recovery, and their continued detention behind bars prior to guilt being established would amount to pre-trial punishment.

9. For the foregoing reasons, the instant bail application is allowed. Applicants **Muhammad Yunus, Salahuddin, and Naimatullah** are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of **Rs.50,000/-** each, and PR bonds in the like amount to the satisfaction of the learned trial Court.

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

JUDGE

Ahmed/Pa,