

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Dr. Syed Fiaz ul Hasan Shah.

Criminal Bail Application No.D-208 of 2025
[Karar Raza Rizvi v. The State & others]

Criminal Bail Applications No.D-214 & 215
of 2025 [Syed Bhooral Shah v. The State]

Criminal Bail Application No.D-223 & 224
of 2025 [Niaz Hussain Gondal & others v.
The State]

Criminal Bail Application No.D-227 & 234
of 2025 [Nazar Ali Jatoi v. The State]

Criminal Bail Application No.D-225 of 2025
[Muhammad Faheem Soomro v. The State]

Applicants: Karar Raza Rizvi [Criminal Bail Application
No.D-208 of 2025 through, M/s Malik Naeem Iqbal
and Muhammad Saleem, Advocates.

Syed Bhooral Shah [Criminal Bail Application
No.D-214 & 215 of 2025] through Mian Taj
Muhammad Keerio, Advocate.

Niaz Hussain Gondal, Waqar Hussain Soomro and
Asif Ali Birahmani [Criminal Bail Application
No.D-223 & 224 of 2025] through M/s. Tanveer
Ahmed Daudani and Adeeb Hyder Buriro,
Advocates.

Nazar Ali Jatoi [Criminal Bail Applications No.D-
227 & 234 of 2025] through M/s Shoukat Ali Kaka
and Safdar Ali Abro, Advocates.

Muhammad Faheem Soomro [Criminal Bail
Application No.D-225 of 2025] through Mr. Farooq
H. Naek, Advocate.

Respondent: The State/NAB through Mr. Ghous Bux
Kaheri, Special Prosecutor NAB

Date of hearing: **28.04.2026 & 29.04.2026**

Date of Order: **20.05.2026.**

ORDER

Syed Fiaz ul Hasan Shah, J: Through this common order we intend to dispose of the listed bail applications filed by the applicants seeking post-arrest bail applications in NAB Reference No.02 of 2023 as well as in NAB Reference No.3 of 2021 filed under section 18(g) readwith Section 24(b) of the National Accountability Ordinance, 1999 (NAO), and Sections 3 and 4 of the Anti-Money Laundering Act, 2010 (AMLA) and the learned Accountability Court-II, Hyderabad (**trial Court**) vide Orders dated 08.02.2025 (**impugned Order**) refused to grant the concession of the post arrest bail to the applicants pending trial of the said NAB reference.

2. Brief facts are that FIR No. G-0-01/2020 dated 03.03.2020 was registered at P.S. Thatta, Anti-Corruption Establishment (ACE), Sindh, against officers of Right Bank Outfall Drain (RBOD-II), Irrigation Department, Government of Sindh, and contractors, for misappropriation and embezzlement of funds under the guise of flood-fighting/emergent works. Upon an application under Section 16-A of the NAO, the learned Special Judge Anti-Corruption (Provincial), Hyderabad, transferred the matter vide order dated 15.01.2021 to the Accountability Court, Hyderabad. NAB's investigation culminated in two NAB References.
3. The cases pertain to alleged corruption within the "Extension of Right Bank Outfall Drain (RBOD-II) Project." The case originated from a complaint regarding the embezzlement of funds released to the Irrigation Department, Government of Sindh, between 2017 and 2019. It is alleged that approximately **Rs. 9.5 Billion** was placed at the disposal of the Project Director (Principal Accused), Munawar Ali Bozdar, for various construction and developmental works across multiple divisions of the RBOD project.
4. Genesis of the Inquiry revealed that the FIR stemmed from ACE Jamshoro Inquiry No. G-0-84/2019 (approved by competent authority) into alleged corruption in the "Extension of Right Bank Outfall Drain (RBOD) from Sehwan to Sea" project, spanning Dadu and Thatta districts. During FY 2017-2018 and 2019, RBOD-II Division-III (Thatta) officers, in collusion with contractors, raised fictitious bills/liabilities for non-existent flood emergency works, fraudulently

withdrawing Rs.3,527,374,695. Technical scrutiny confirmed zero execution at site; flood records (2014-2019) evinced no inundations in 2017-2019. Moreover, Superintending Engineer Imran Sheikh had sanctioned unauthorized work packages in 2014-2015 sans second revised PC-I approval (granted only on 29.11.2016), occasioning misuse of public funds. An interim challan was filed before the Special Judge Anti-Corruption (Provincial), Hyderabad; the case transferred to NAB under Section 16A(a) NAO.

5. NAB Investigation levelled Charges given in the supplementary reference (08.07.2023) indicts Project Director Munawar Ali Bozdar as principally culpable for disbursing Rs.3527374695/- and Rs.691612500/- billions via bogus flood emergency payments. The accused including Applicants face charges under Sections 9(a)(i), (iii), (iv), (vi), (xi), and (xii) of the NAO, 1999, and Section 3 of the AMLA, 2010 (punishable under Section 4 thereof). Particulars are detailed in NAB Reference No. 02/2021 and NAB Reference No.03/2021 as well as in the investigation reports, which need no reiteration.

Applicant Karra Raza Rizvi Contention.

6. Learned counsel for the applicant submits that although the applicant was initially granted pre-arrest bail, the same was not confirmed upon hearing. Earlier, Criminal Bail Application No. 92 of 2025 before this Court which was also dismissed as withdrawn with permission to file afresh under the rule of consistency. Subsequently, the applicant moved a post-arrest bail application, which was declined by the trial Court through the impugned order.
7. Counsel argues that the applicant, serving as Divisional Accounts Officer in the Accountant General Sindh Office, had no role in verifying ground work or construction at the project site. The Accountant General's Office functions solely on the basis of bills presented by the Administrative Department and its officers. After verifying the signatures of the concerned officials and ensuring that the expenditure falls within the sanctioned budget, the applicant's department prepares cheques and returns them to the Administrative Department for disbursement to the concerned parties after proper verification.

8. The allegations in the NAB Reference revolve around the RBOD project, wherein it is alleged that no construction was carried out. However, the officers of the Irrigation Department prepared bills falsely showing measurements of completed work, withdrew millions of rupees through impersonated contractors, and obtained kickbacks, which were allegedly recovered by NAB. Counsel stresses that the applicant's role was limited to financial processing based on authenticated signatures and sanctioned budgetary allocations, without any obligation to physically inspect or verify the execution of works at site.
9. It is further contended that the applicant's duties, as outlined in clauses 19 and 20 onwards of the relevant Rules, do not encompass the responsibilities alleged by NAB. Hence, the applicant's involvement is not substantiated, and his case falls within the ambit of further inquiry. He also pointed out that the NAB prosecution has implicated the applicant solely on the basis of the statement recorded under Section 161 Cr.P.C. of one Iqbal Ahmed Shaikh, District Accounts Officer, Thatta, who misleadingly suggested that under Rule 88 of the Sindh Financial Rules, the applicant signed the disputed bill alongside Waqar Ahmed Qadri (Superintending Engineer, RBOD-II), Muhammad Fahim Soomro (Executive Engineer), Abdul Malik Bullo (Assistant Executive Engineer/SDO), and others. Counsel maintains that this assertion is misconceived, as the applicant's signature was part of routine financial processing and not evidence of complicity in the alleged offence.

Applicant Bhooral Shah Contention.

10. The bail application[s] of the applicant, Bhooral Shah, was earlier rejected by this Court in Criminal Bail Application No. 59 of 2025 on 15.05.2025 on merits. The applicant did not thereafter approach the Hon'ble Supreme Court of Pakistan. Subsequently, he filed a second bail application before the trial Court which was dismissed through the order impugned before us.
11. Learned counsel for the applicant, Mr. Mian Taj Muhammad Keerio, advocate submits that the applicant has been incarcerated for more than a year without any meaningful progress in the trial. He argues that the allegations against the applicant are identical to those against other co-accused, namely, payment of kickbacks to Munawar Bozdar, Project

Director RBOD-II, and his team, through developing links with lower-grade staff such as Niaz Hussain Gondal, Waqar Hussain, and Asif Ali Brehmani, as well as private contractors including the applicant and Manzoor Solangi and Manzoor Samejo,

12. Counsel emphasizes that co-accused Manzoor Solangi has already been granted post-arrest bail. Similarly, the principal beneficiary, Munawar Ali Bozdar, has also been enlarged on bail by the trial Court, albeit on medical grounds. On merits, the case of the applicant is at par with that of Manzoor Solangi, and under the rule of consistency, the applicant is entitled to the same relief. Counsel further argues that when the principal accused has been granted bail, even on medical grounds, the applicant cannot be treated differently.

Applicant Muhammad Faheem Soomro Contention.

13. Mr. Farooq H. Naik, Sr. ASC, learned counsel for the applicant, submits that the allegations against the applicant are identical to those leveled against co-accused Abdul Malik Bullo. According to the prosecution, Abdul Malik Bullo allegedly prepared bogus bills, while the present applicant merely countersigned the same payment bills in favor of private contractors, despite no work having been executed as alleged. Counsel points out that the bail application of Abdul Malik Bullo was rejected by this Court on 15.05.2025; however, the said order was assailed before the Hon'ble Supreme Court of Pakistan, which granted him the concession of post-arrest bail. Therefore, under the rule of consistency, the same relief must be extended to the present applicant, whose role is comparatively lesser, as he did not originate the alleged bills but only countersigned them in routine course.
14. Learned counsel further advances a second ground of bail based on statutory delay. He submits that the applicant has remained behind bars for more than one year without any fault on his part, thereby crossing the statutory time limit prescribed under Section 497 Cr.P.C. and therefore, he is entitled to bail on this ground as well a third ground, counsel relies upon the applicant's deteriorating health condition. He submits that during incarceration, the applicant has undergone cardiac surgery and presently suffers from psychiatric complications. Continued confinement, it is argued, would further aggravate his medical condition.

In support of this plea, counsel refers to the medical board's report available on the Court file.

15. Mr. Naik, therefore, urges that the applicant is entitled to post-arrest bail on three independent grounds: (i) rule of consistency, (ii) statutory delay, and (iii) medical condition. In support of his submissions, he has relied upon judgments reported as 2022 YLR Note-16, 2006 SCMR 1225, PLD 1995 S.C. 58, 1998 SCMR 1065, 2018 YLR 176, PLD 2022 S.C. 497, 2025 YLR 622, 2018 P.Cr.L.J. 1607, 2001 SCMR 1040, 2022 YLR 2046, 216 SCMR 18, PLD 2003 S.C. 668, PLD 2021 S.C. 916, 2013 SCMR 669, 2008 SCMR 1316, 2023 MLD 400, 2017 P.Cr.L.J. 416, 2023 SCMR 1357, PLD 2022 S.C. 475, 2015 P.Cr.L.J 1496, 2002 SCMR 1478, 2019 P.Cr.L.J 370, 2019 SCMR 1914, 2021 SCMR 63, 2000 SCMR 107, 2022 P.Cr.L.J. 883, 2002 SCMR 282, 2020 MLD 1877, 2013 P.Cr.L.J 1162, PLD 2017 S.C. 147, 2006 P.Cr.L.J 612, 2017 MLD 859, 2019 YLR 2357, 1983 SCMR 341, PLD 1997 Karachi 172, 1998 SCMR 190 and an unreported judgment dated 11.12.2019, passed in W.P. No.4186 of 2019 by Islamabad High Court Islamabad.

Applicants Niaz Hussain Godnal, Waqar Hussain Soomro, Asif Ali Brehmani and Nazar Ali Jatoi.

16. Learned counsel for the applicants submits that Niaz was employed as a Chowkidar, Waqar as an Outdoor Carrier in the FERD project with Munawar Bozdar, while Asif was working as a Peon in RBOD. Their appointment letters, issued by the principal accused Munawar Bozdar, are available at pages 349 and 351 of the record.

17. The allegations against these three lower-grade staff members are that, at the instigation of Munawar Bozdar, Manzoor Ahmed Samejo and Inayat Channa, they withdrew cash (kickbacks) from contractors' accounts and delivered the same to Munawar Bozdar. Counsel emphasizes that the applicants had no authority to sanction or process payments, nor did they derive any personal gain from the alleged transactions. Their role was purely subordinate and carried out under instructions of the principal accused.

18. It is further argued that on identical allegations, one co-accused, Nauman, has already been granted pardon, and the present applicants are also

willing to seek pardon and become prosecution witnesses. Despite this, the Investigating Officer has implicated them as accused persons, which is misconceived. Counsel submits that in such circumstances, the benefit of Section 4(d) of the National Accountability Ordinance (NAO) is available to them.

19. Additionally, counsel pointed out that another co-accused, Shahid, having an identical role, has already been granted bail, as reflected in orders available at pages 335 and 339 of the record. Therefore, under the rule of consistency, the present applicants are entitled to the same relief.

NAB's contention

20. On the other hand, the learned Special Prosecutor NAB strongly opposed the grant of bail to applicants Asif Ali Brehmani, Waqar Hussain, Niaz Hussain Gondal, Nazar Ali Jatoi and Syed Bhooral Shah. He submits that while co-accused Shahid was merely a private driver, these three applicants were official employees who played an active role in the transportation of kickbacks. He further contends that applicants Asif Ali Brehmani, Waqar Hussain, and Niaz Hussain Gondal collected kickbacks from applicant Bhooral Shah and delivered them to the principal accused, Munawar Bozdar. In view of the incremental material available against them, both sets of accused are not entitled to the concession of bail.
21. The learned Prosecutor also opposed the bail application of applicant Karar Raza Rizvi, arguing that serious allegations exist against him. He allegedly signed bogus bills in violation of Rule 88 of the Financial Rules Manual, treating them as 100% pre-audit bills, while failing to inspect the construction site to ensure that work had been executed. By intentionally neglecting this requirement, the applicant facilitated impersonated contractors in misappropriating public funds.
22. With respect to applicant Bhooral Shah, the Prosecutor emphasized that he was not an enlisted contractor and, following his arrest, filed an application for plea bargaining, thereby admitting his guilt. The prosecution has sufficient material to establish that Bhooral Shah paid kickbacks to Munawar Bozdar and purchased properties from the crime proceeds, which have since been frozen. His earlier bail application was

dismissed by this Court on account of prima facie evidence against him, and therefore he is not entitled to bail.

23. The learned Prosecutor further opposed the bail application of applicant Muhammad Faheem Soomro, Executive Engineer of the project, who countersigned bogus bills originated by SDO Abdul Malik Bullo. Although Abdul Malik Bullo's bail application was rejected by this Court and later allowed by the Hon'ble Supreme Court of Pakistan, the Prosecutor argued that the present applicant's case is distinguishable. Unlike Abdul Malik Bullo, the NAB prosecution has seized various properties allegedly acquired by Muhammad Faheem Soomro from crime proceeds, representing huge sums of public money misappropriated under the guise of fake development work. Thus, sufficient material exists to connect him with the offence.

24. Finally, the Prosecutor reiterated opposition to bail for the three lower-grade applicants—Asif Ali Brehmani, Waqar Hussain, and Niaz Hussain Gondal—stating that they, along with Shahid (driver of Munawar Bozdar), withdrew billions of rupees from accounts of impersonated contractors and handed over the kickbacks to Munawar Ali Bozdar. Despite no work being carried out on the RBOD-II Project, billions were dishonestly encashed from the government treasury. In written submissions, the Prosecutor highlighted that applicant Asif Ali Brehmani alone withdrew Rs. 354,242,000/- against 122 cheques drawn from the accounts of Ali Mughal, Syed Bhooral Shah, and Manzoor Ahmed Samejo (private contractors). The details are as under:

Sr.	Bank	A/c No.	Name of Accused	Cheques	Amount (Rs.)
1.	United Bank	246536398	Hasnain Ali Mughal	35	121,800,000
2.	United Bank	248337962	Syed Bhooral Shah	38	117,700,000
3.	United Bank	247328781	Manzoor Ahmed Samejo	33	90,442,000
4.	United Bank	226578534	Manzoor Ahmed Samejo	10	18,750,000
5.	United Bank	243668869	Manzoor Ahmed Samejo	6	5,550,000

25. Applicant Waqar Hussain had withdrawn amount Rs. 45,250,000 by encashment of 24 cheques from the account of Hasnain Ali Mughal, Syed Bhooral Shah and Manzoor Ahmed Samejo (Private Contractors). The details are as follow:

Sr	Bank	A/c No.	Name of Accused	Cheques	Amount (Rs.)
1.	United Bank	246536398	Hasnain Ali Mughal	3	18,000,000
2.	United Bank	248337962	Shah Bhooral Shah	19	25,250,000
3.	United Bank	247328781	Manzoor Ahmed Samejo	1	1,000,000
4.	United Bank	226578534	Manzoor Ahmed Samejo	1	1,000,000

26. Applicant Niaz Hussain Gondal had withdrawn amount Rs. 265,578,000 through 98 cheques from accused persons Hasnain Ali Mughal, Syed Bhooral Shah and Manzoor Ahmed Samejo. The details are as follow:

Sr	Bank	A/c No.	Name of Accused	Cheque	Amount Rs
1.	United Bank	246536398	Hasnain Ali Mughal	42	4,050,000
2.	United Bank	248337962	Syed Bhooral Shah	29	88,950,000
3.	Soneri Bank	102246505022	Syed Bhooral Shah	02	10,000,000
4.	United Bank	247328781	Manzoor Ahmed Samejo	24	51,158,000
5.	United Bank	226578534	Manzoor Ahmed Samejo	1	1,420,000

27. Therefore, in view of the established nexus applicants Asif Ali Behrani, Waqar Hussain and Niaz Hussain Gondal as well as Syed Bhooral Shah are not entitled for the concession of post arrest bail as the offence fall within the prohibitory clause of section 497(i) Cr.P.C. He relied upon the cases of 2023 MLD 952, 2002 SCMR 1886, 1995 SCMR 1765. He further relied on 2009 P.Cr.L.J 19 and 2023 YLR 485 wherein it was held that an accused cannot claim bail in non-bailable offences as a matter of right. He urged that such principles is settled law and relied on the cases reported in 2024 SCMR 1576, 2024 SCMR 1419, 2024 SCMR 1071, 2023 SCMR 2056, 2023 SCMR 1182 and 2023 SCMR 1068.

28. We have heard learned counsel for the Applicants in the listed bail applications, alongside the learned Special Prosecutor for NAB. The record, voluminous as it is, has been perused alongside arguments, relevant statutory provisions, judicial precedents, legal submissions, and the investigation report.

29. In principles, bail application of the Applicant Karrar Raza Rizvi was dismissed by this Court with permission to move afresh before the trial Court, therefore, his bail application can be heard on merits. While bail

applications of applicants Asif Ali Brehmani, Waqar Hussain, Niaz Hussain Gondal and Bhooral Shah were already rejected on merits which order has attained finality therefore they cannot be heard on merit. However, Counsels urged that bails sought on fresh ground on the ***Rule of consistency***.

30. Similarly, the bail application of the Applicant Muhammad Faheem Soomro was also rejected on merits. However, he also urged bail sought on fresh ground on ***rule of consistency*** that Abdul Malik Bullo with same role granted bail by Hon'ble Supreme Court of Pakistan while with same role another accused Waqar Qadri has also granted bail by Trial Court.

31. A careful examination of the NAB reference reveals that there are three categories of Accused:

- a. Contractors who are alleged beneficiary of crime proceeds
- b. Senior Officers of RBOD-II project prepared bogus Bill, forged record and even hide or destroyed record related to payments and measurement Book (Quantification of Project flow of work) as prosecution main case is there was no work done at site. And
- c. the low-grade officials (Peon, Driver, Outdoor boy) who encashed cheques from the accounts of contractors (kickbacks) and handed over cash to the 1st category of accused party (i.e. only to Munawar Bozdar as per probed by the investigation).

32. In the earlier round of bail applications, this Court (one of us J.Syed Fiaz ul Hasan Shah as author Judge) passed the consolidated Order with following principles for our tentative assessment:

- a. Analysis of Reference No. 03/2021 (RBOD-II Project): The thrust of NAB's reference is that the "Emergency/Flood Damage" head was a self-created tool for embezzlement. However, the record tells a different story. We have noted the **ECNEC Letter dated 09.08.2017** and the **Second Revised PC-I**. It is a matter of record that ECNEC the highest competent authority sanctioned the revised cost of **Rs. 16.985 billion**, which specifically catered to "Emergency Works." Furthermore, NAB's own Investigation Report (at Paragraphs 17e and 17f) admits this approval. When the highest economic forum of the country

approves a specific head of expenditure, and the **SPRA Rules** allow for emergency procurement during natural calamities, the allegation of "rule violation with dishonest intent" is significantly neutralized for the purpose of a tentative assessment. The dispute over whether the "work was actually done" or "partially done" is a factual controversy that can only be resolved during the trial after recording evidence.

- b. While defining the newly added provision of Section 4(d) inserted through NAO Amendment Act, 2022. Section 4(d) NAO grants immunity to public office holders for acts performed in good faith while discharging official duties, provided no personal monetary benefit accrues to them (directly or indirectly) and no financial loss is caused to the public exchequer. This protection shields mere procedural irregularities absent dishonest intent, personal gains, or public financial detriment. However, where prosecution evidence establishes mens rea—coupled with undue financial gains or illegal gains to the office holder or losses to the exchequer—the conduct falls within ambit of Section 9, vesting NAB with jurisdiction and paused immunity as provided under Section 4(d) and in the absence of demonstrable material or proven record for personal monetary benefits to the applicants (accused) or his dependent, immunity under Section 4(d) applies, ousting NAB jurisdiction.

33. On these principles, bail was either granted or declined by this Court to all relevant officers and officials of the RBOD-II Project who were found to have a connection with illegal financial gains or monetary benefits for themselves or their dependents, without extending the benefit of Section 4(d) of the NAO. Conversely, bail was granted to private contractors who were genuinely enlisted and against whom no material was available with the prosecution to establish that they had paid kickbacks to officials. However, those contractors against whom NAB prosecution seized evidence of paying kickbacks were denied bail by this Court, in line with the aforesaid principles.

34. The Respondent NAB preferred an appeal before the Hon'ble Supreme Court of Pakistan, which was dismissed, thereby maintaining the Order

dated 18.06.2025 passed by this Court in Criminal Bail Application No. D-54 & other connected bails.

35. Adverting to the cases of present applicants.

36. **Karrar Raza Rizvi**: Admittedly, the bogus bill was prepared by the SDO/Assistant Executive Engineer Abdul Malik Bulloo and countersigned by the Executive Engineer of the project, Faheem Hussain Soomro and approved by the Suptt. Engineer Waqar Qadri. Thereafter, the Treasury Office forwarded the same to the Accountant General Sindh for preparation and issuance of cheque under the relevant head of account.

37. As regards the allegation in the statement under Section 161 Cr.P.C. of PW Iqbal Hussain that the Applicant approved 100% pre-audit bills without verification, it is an admitted position that such bills were originated by the RBOD-II officers. Compliance with Rule 88 of the Sindh Financial Rules lies within the domain of the Provincial Treasury Office, where the said PW was employed. At this stage, such controversy cannot be determined and can only be adjudicated by the trial Court after conclusion of evidence.

38. We have minutely examined the bills file by the NAB along with its synopsis available at Page-262, which are identified and found as prescribed Form-24 first and final bill and observed that the said witness being Divisional Account Officer Thatta has also signed the bill and it was not of his function, according to his job description which available at Page-301 of the file, the function of Divisional Accountant mentioned at clause 1920 onwards and does not speak that it is the duty of the Divisional Accountant, who inspect the site or verify the construction or development work whether he has to verify the bill sent by the PD RBOD Munawar Bozdar and his team. In case, the bills were not signed by the officials of PD RBOD, and the cheque was prepared and directly delivered to the contractor / alleged beneficiary then an adverse inference can be drawn against the applicant. However, in the present case the applicant has signed the bill only when it was presented in his office by the officials of the PD RBOD duly signed by them.

39. The job description available at page 301 of bail application, Clauses 19, 20 and onwards, does not impose any obligation upon the Applicant to physically inspect or verify the ground position of construction or development work of any project. The prosecution's case against the Applicant does not allege personal gain or receipt of illegal gratification. Therefore, any irregularity or even illegality, if any, would fall within the ambit of administrative law. In the absence of criminality or allegations of mens rea, as protected under Section 4(d) NAO, the Applicant has successfully made out a case for further inquiry on merits.

Applicant Bhooral Shah

40. The bail application of Syed Bhooral Shah, a private contractor, was earlier rejected by this Court on merits on the ground that the investigation had recovered a substantial amount allegedly attributed as crime proceeds, which were paid to the Project Director RBOD, Munawar Ali Bozdar. In contrast, other contractors such as Farooq Ali Domki and Ali Khan Tunio were granted post-arrest bail vide Order dated 18.06.2025 passed by this Court in Criminal Bail Application No. D-54 & other connected bails, which was subsequently upheld by the Hon'ble Supreme Court vide Order dated 17.10.2025.

41. The case of two set of private contractors is distinguished by marking line of distinction by this Court in earlier round of bails that where the prosecution collected material that one set of Contractors enlisted through impersonation and kickbacks paid to Public Office holder having documentary evidence while second set of Contractor are genuinely enlisted contractors and no material is or was collected by NAB regarding Kickbacks to public office holders. They stand firmly that they have done work and obtained payments which report of construction work was earlier confirmed in the report of Anti-Corruption Police when they did first investigation while not confirmed in subsequent investigation report prepared by NAB and a case of further inquiry made out.

42. Bhooral Shah, a private contractor earlier bail application was rejected by this Court on the main ground that the investigation collected recovery of crime proceeds and established a link with the Project Director, whereas in the case of the other contractors, they asserted execution of work and

receipt of payment, and no incriminating material was brought on record against them at the time of bail consideration. Now second bail urged on Rule of consistency with accused Manzoor Solangi and Manzoor Samejo.

43. It is also pertinent to observe that on identical role and on same allegations private contractor who also paid kickbacks to Munawar Ali Bozdar, the said contractor Manzoor Solangi ¹, Accused Manzoor Samejo ² have been granted post-arrest bail. Similarly, the main beneficiary Munwar Ali Bozdar³ has already been granted bail by the trial Court though on the medical ground. Since the principal accused, Project Director RBOD Munawar Ali Bozdar, was granted bail on medical grounds and has since passed away and Manzoor Solangi and Manzoor Samejo with same role and same allegations and in the presence same collected material had been granted bail, we cannot for this time refused to Bhooral Shah under Rule of consistency. Furthermore, on similar allegations, Rao Mansoor Ahmed ⁴ has also been granted bail by the Hon'ble Supreme Court of Pakistan vide Order dated 17.10.2025.

44. However, despite the lapse of more than one year since the rejection of bail, the prosecution has failed to produce evidence before the trial Court, and Bhooral Shah remains confined without progress in the proceedings. The Applicant is 78 years of age and is enduring severe hardship. In these circumstances, the case of Syed Bhooral Shah is one of hardship and that on the principles of rule of consistency when Manzoor Samejo with identical role and with same nature of documentary material collected by the NAB had already granted bail, therefore, following rule of consistency Applicant Bhooral Shah is admitted to the concession of post-arrest bail.

Applicants Niaz Hussain Gondal, Waqar Hussain Soomro & Asif Ali Brehmani and Nazar Ali Jatoi.

45. Applicants Nazar Ali Jatoi and Niaz were employed as a Chowkidar, Waqar as an Outdoor Carrier in the FERD project with Munawar Bozdar, while Asif was working as a Peon in RBOD three Applicants are low-grade employees, two serving in FERD. The prosecution has

¹ Bail Order dated 01.10.2025 passed by Trial Court (Page 415 of file)

² Bail Order dated 11.11.2025 passed by Trial Court (Page 419 of file)

³ CrI Petition No.972, 117, 118, 1265, 1266, 1267, 1359 and 1379 of 2025 passed by Hon'ble Supreme Court of Pakistan (Page-293)

⁴ Ibid

levelled allegations that these Applicants withdrew cash payments from the accounts of contractors (co-accused) and delivered the amounts of kickbacks to the Project Director, RBOD Munawar Ali Bozdar.

46. The allegation against Nazar Ali Jatoi, who was Chowkidar in RBOD Project are similar in nature. He withdrew amount from the account of Manzoor Ahmed Samejo and hand over cash amount of kickbacks to Munwar Ali Bozdar.

47. It is noteworthy that one co-accused, Shahid ⁵, Driver to the PD RBOD-II, has already been granted bail on the same set of allegations. The learned Prosecutor has attempted to distinguish Shahid's case on the ground that he was a private employee, whereas the present Applicants are officials. Nonetheless, the prosecution's own case admits that these Applicants did not draw or retain a single penny for their personal benefit. Therefore, the rule of consistency is fully applicable to their case and there is no classification under the law that in view of a private person he can be granted a bail on same role or set of allegations a public official cannot be granted bail.

48. Indeed, the prosecution itself asserts that no monetary benefit was obtained by these Applicants; rather, they merely delivered the alleged crime proceeds to the Project Director. The Applicants have not denied this fact in their statements before the Investigation Officer or before this Court. Yet, instead of joining them as prosecution witnesses to strengthen its case, the prosecution has chosen to prosecute them. Admittedly there are no allegations of personal gain against these three applicants and allegedly they have only followed the instructions of their Boss Munawar Bozdar. They are also confined since more than one year without fruitful reasons.

49. No independent criminal role is attributed to these Applicants. They simply complied with the directions of the Project Director and their knowledge or information about the dishonest kickbacks transaction would be determined by the trial Court after recording of the evidence as to same amounts transportation for Munawar Bozdar PD, RBOD-II, constitutes one as of the illicit funds or otherwise. It is admitted that Munawar Ali Bozdar himself was granted bail on medical grounds. So

⁵ Bail Order dated 11.17.2025 passed by Trial Court (Page 449 of file)

also Manzoor Ahmed Samejo from whose accounts cash were withdrawn.

50. Accordingly, all three Applicants, Niaz Ahmed, Waqar Ahmed, and Asif Ali and Nazar Ali Jatoi, are admitted to the concession of post-arrest bail on the rule of consistency.

Applicant Muhammad Faheem Soomro.

51. Earlier bail applications of Applicant Muhammad Faheem Soomro, Executive Engineer RBOD Project, and co-accused Abdul Malik Bulloo, Assistant Executive Engineer RBOD Project, were rejected on merits by this Court vide Order dated 15.08.2025. The Applicant did not prefer an appeal, whereas the co-accused Abdul Malik Bulloo did, and the Hon'ble Supreme Court of Pakistan granted bail to him.

52. The learned Special Prosecutor contention that although the role of both Muhammad Faheem Soomro and Abdul Malik Bulloo are identical and allegations of same series of transactions are levelled but the case of the present Applicant is distinguishable as NAB has recovered immovable properties which were converted from the crime proceeds of the present crime in favour of his wife Mavish and same has been seized by the NAB as these properties allegedly linked to crime proceeds in the case of Muhammad Faheem Soomro, despite the allegations of preparation of bogus bills being attributed equally to both accused, there was no such recovery against Abdul Malik Bullo.

53. We are in agreement with the learned Special Prosecutor to the extent that there exists a distinction between the two accused: while both face allegations of preparing bogus bills, no recovery was made from Abdul Malik Bulloo, whereas certain properties have been seized in relation to Faheem Hussain. However, such contention alone is insufficient to justify withholding bail. Mere seizure of properties cannot conclusively establish illicit funds unless adjudicated upon by the trial Court after conclusion of evidence. Even otherwise, when properties have been seized or freeze which allegedly raised from crime proceeds, the NAB objective approach as laid down in its Preamble, NAO to recover losses of Public Money or State assets have been saved by the Respondent NAB. Such recovery cannot implicitly connect the Applicant with the

commission of the offence without recording evidence, and no deeper appreciation of evidence is permissible at the bail stage under settled principles of law.

54. We find that when on the same set of allegations and record and same series of transaction and offences, the Hon'ble Supreme Court of Pakistan has granted bail to Abdul Malik Bulloo⁶, denial of bail to Muhammad Faheem Soomro on rule of consistency would amount to punishment before conviction and therefore, argument of learned Special Prosecutor does not carry much weight when such seized properties are in NAB custody.

55. Further even as per prosecution the alleged crime proceeds converted into immovable properties by the applicant in the name of his wife Mavish Faheem⁷ and she has also been granted bail by this Court.

56. Accordingly, the Applicant is entitled to the concession of bail on rule of consistency.

Additional ground (Statutory delay and Medical health condition)

57. Besides, the merits of the case, the Applicants has additionally prayed post-arrest bail on the ground of *statutory delay* and *Medical/ health condition*.

58. We are not persuaded by the submissions of learned counsel that the applicant is entitled to bail on medical grounds. The case law relied upon by the learned Senior Counsel is distinguishable and does not advance the applicant's plea. The Medical Board in question was constituted at the request of the Medical Team of Central Prison, Hyderabad, and not pursuant to any order of this Court. Consequently, NAB was not associated with the process. In these circumstances, the medical ground cannot be entertained at this stage unless and until an appropriate order is passed by the trial Court after due notice to the NAB.

59. However, it is not disputed by the Respondent NAB that the Applicant Muhammad Faheem Soomro is confined since more than one year. It is also not disputed that the Applicant Muhammad Faheem Soomro had

⁶ Order dated 17.10.2025 passed in Criminal Petitions 972, 1117, 1118, 1266, 1265, 1267, 1359 and 1379 of 2025

⁷ Cr Bail Application No.D-28 of 2025 vide Order dated 21.03.2025 (Page-455 of file)

sought a single adjournment. While reserving the instant case, we had given further opportunity of 10 days to the learned Special Prosecutor to produce any other record and certified copies of diaries, if any, where adjournment was moved at the hand of Applicant. Although synopsis and other statements filed by the Respondent NAB but the NAB has failed to produce any record showing that delay is attributable to the Applicants or to bring any other material against applicant Muhammad Faheem Soomro. We perused the R&P of trial Court which confirmed delay was not at the hand of applicants.

60. The Respondent NAB failed to produce certified copies of any diary, despite full opportunity, that could show or establish delay attributable to the Applicants and on the contrary delay occurred either on the part of the prosecution or on the part of co-accused already on bail. The delay in conclusion of trial is not attributable to Applicant. The Applicant is arrested on 08.02.2025 and since then he is in custody. Therefore, bail cannot be withheld as a form of punishment; liberty must prevail until guilt is established through trial.

61. It is a settled principle that where delay in trial is not attributable to the accused, and the statutory period of incarceration has been crossed, the Applicants have an arguable case for bail under Section 497(2) Cr.P.C. Therefore, Applicant has made out case for grant of bail on Statutory delay too.

62. The principle of parity with co-accused already granted bail by other Division bench of this Court in Cr. Bail Application No. 93 of 2025 and others while bail granting Order dated 03.12.2025 observed that:

“

i. The accused Farooq Ali Domki was granted bail by the Honourable Supreme Court, on the ground of Further Inquiry.

ii. The accused All Khan Tunlo/ Contractor was granted bail by the Honourable Supreme Court on the ground of Further Inquiry.

iii. The accused Abdul Malik Bullo/ Assistant Executive Engineer was granted bail by the Honourable Supreme Court on the ground of Further Inquiry.

iv. The accused Imran Ahmed Shaikh/ Superintending Engineer was granted bail by the Honourable Supreme Court on the ground of Further Inquiry.

v. *The accused Munawar Ali Bozdar/ Project Director was granted bail by the learned trial Court.*

vi. *The accused Farah Deebea was granted bail by this Court.*

vii. *The accused Zahida Soomro was granted bail by this Court.*

viii. *The accused Mahvish Faheem Soomro was granted bail by this Court.*

ix. *The accused Mazhar Ali Soomro was granted bail by this Court on the ground of Further Inquiry.*

x. *The accused Shahid was granted bail by this Court on the ground of Further Inquiry.*

xi. *The accused Faheem Dayo Peerani was granted bail by this Court on the ground of Further Inquiry.*

xii. *The accused Kamran Khan was granted bail by the learned trial court under the Rule of Consistency.*

xiii. *The accused Mirza Raza Mughal was granted bail by the trial court on the Rule of Consistency.*

xiv. *The accused Pawan Kumar/ Divisional Accounts Officer was granted bail by the learned trial court.*

XV. *The accused Rao Mansoor Ahmed has already been granted bail by the Honourable Supreme Court on the ground of Further Inquiry.*

xvi. *The accused Manzoor Ahmed Samejo/ Contractor has already been granted bail by the learned trial court.*

xvii. *The accused Inayatullah Channa/Assistant Accounts Officer granted bail by the learned trial Court vide Order dated 25.09.2025. As confirmed by the learned SP NAB and the I.O., the said Order was not assailed by NAB.*

.....

63. Further Accused Wajid Ali Channa⁸, Ataullah Channa⁹ were also granted bail on the Rule of consistency after dismissal of earlier bails by this Court on merits.

64. The record further reveals that NAB filed two references, bearing Reference No. 02 of 2023 and Reference No. 03 of 2023, on 08.06.2023 before the trial Court. The charge was framed on 30.04.2024, and since then only three witnesses have been examined, while sixty-nine (69) witnesses¹⁰ remain who are yet to be examined. The incalculable time

⁸ Order dated 03.12.2025 passed in Cr. Bail Application No.D-93 & D-95 of 2025 (Page-559)

⁹ Order dated 03.12.2025 passed in Cr. Bail Application No.D-94 & D-96 of 2025 (Page-559)

¹⁰ See List of Prosecution Witnesses 72 PWs (Page 467 of file)

required for such proceedings and conclusion of evidence which makes it clear that, under the rule of criminal jurisprudence, bail and not jail must prevail.

65. It is a settled principle of law that bail cannot be withheld as a form of punishment. The applicants have, therefore, made out a case for the concession of post-arrest bail on the rule of consistency, particularly as their case stands on a stronger footing than those who have already been admitted to bail either by the trial Court or this Court as well as by Hon'ble Supreme Court of Pakistan¹¹.
66. The grant of bail is essentially a transfer of custody of an accused from judicial custody under the Superintendent of Jail to the surety, who undertakes to secure the attendance of the accused during trial. This concession cannot be equated with a barter or exchange against the liberty of the accused. Unless guilt is established through due process, the principles governing bail in a pending trial require the Court to exercise its discretion in accordance with settled jurisprudence and the dictates of reasonableness.
67. Accordingly, the Applicant Karrar Raza Rizvi is admitted to the concession of post-arrest bail on merits under the rule of further inquiry-subject to furnishing surety in the sum of Rs.50,00,000/ (Rupees Five Millions) and PR bond in the like amount to the satisfaction of the trial Court.
68. Accordingly, the Applicant Syed Bhooral Shah is admitted to the concession of post-arrest bail on rule of consistency and hardship subject to furnishing surety in the sum of Rs.50,000,000/- (Rupees Fifty Million) and PR bond in the like amount to the satisfaction of the trial Court.
69. Accordingly, the Applicant Muhammad Faheem Soomro is admitted to the concession of post-arrest bail on rule of consistency and Statutory delay subject to furnishing surety in the sum of Rs. 10,000,000/- (Rupees Ten Million) and PR bond in the like amount to the satisfaction of the trial Court.

¹¹ Ibid Order dated 17.10.2025 passed in Criminal Petitions 972, 1117, 1118, 1266, 1265, 1267, 1359 and 1379 of 2025

70. Accordingly, the Applicants Niaz Hussain Gondal, Waqar Hussain and Asif Ali Brehmani and Nazar Ali Jatoi are admitted to the concession of post-arrest bail on rule of consistency subject to furnishing surety in the sum of Rs. 10,00,000/- (Rupees One Million) each and PR bond in the like amount to the satisfaction of the trial Court.

71. The applicants are directed to appear before the trial Court on every date of trial and in case, any of the applicant misused the concession, the trial Court is at liberty to adopt appropriate legal course.

72. Listed Bail applications are **allowed** in above terms.

JUDGE

JUDGE