

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

[DIVISIONAL BENCH]

Cr. Bail Appln. No. D-78 of 2025

Before:

Mr. Justice Amjad Ali Bohio, J.

Mr. Justice Khalid Hussain Shahani, J.

Applicant : Ali Hassan s/o Guhram, Sawand
Through M/s Shahid Ali Memon & Ms. Saima
Soomro, Advocates

The State : Through Syed Sardar Ali Shah Rizvi, Addl. P.G

Date of Hearing : 15.10.2025
Date of Order : 15.10.2025
Date of reasons : 17.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J. — This Criminal Bail Application under Section 497 Cr.P.C read with Section 21-D of the Anti-Terrorism Act 1997 has been filed by the applicant/accused seeking his release on post-arrest bail in a case bearing crime No.09/2025, for offences under Sections 4, 5 Explosive Act 1908, r/w Section 7 of ATA & 23(i) A & B of Sindh Arms Act, 2013, registered at Police Station CTD, Sukkur.

2. The prosecution case, as disclosed in the FIR registered on 08.08.2025 at 1020 hours with Police Station CTD, Sukkur, is that the complainant SIP Irshad Ali Langah, along with his sub-ordinate staff, left Police Station CTD Sukkur under Roznamcha Entry No.14 on 07.08.2025 at 2130 hours for patrolling in Sukkur city and its surroundings for prevention of terrorism. Whilst patrol, when they reached near Shikarpur Railway Crossing, the complainant received secret spy information that one Muhammad Bilal Rajput is a major dealer of illegal arms and ammunition who, along with his companions Muhammad Ibrahim Gadani, Ali Hassan Sawand, Riaz Ahmed, and Police Constable Nadir Sawand, procures illegal weapons and sells them to various persons. According to the spy information, Muhammad Bilal had consultation with his companions and brought illegal weapons which were kept

at the house of PC Nadir Sawand. On that date, Muhammad Bilal Rajput, Muhammad Ibrahim Gadani, Ali Hassan Sawand, and Riaz Ahmed were bringing these illegal weapons from the house of PC Nadir Sawand in a Toyota Corolla car bearing registration number AXU-742 Sindh to Muhammad Bilal's house at Hamdard Society near 100 Feet Road, Sukkur, for purposes of sale. Upon receiving this information and briefing the staff, the police party proceeded to pointed place at about 2230 hours on 07.08.2025. They observed the Toyota Corolla car coming and parking outside the gate of the bungalow. When the police party alighted from their vehicle, the driver of the car saw the police mobile and immediately fled away utilizing the advantage of darkness, whom the complainant identified on the light of a government mobile as Riaz Ahmed s/o Bashir Ahmed. The police party surrounded the car and observed one man sitting in the front seat and two men sitting on the back seat, with green-colored sacks placed in front of their legs. All three occupants along with the bags were apprehended. The complainant reports that due to non-availability of private witnesses, HC Rasool Bux and PC Nihaluddin were appointed as mashirs (official witnesses). The man in the front seat, when interrogated regarding his name and address, revealed his identity as Muhammad Bilal s/o Haji Muhammad Yaqoob. Upon checking his sack, the police recovered one hand grenade, one Chinese Kalashnikov in working condition with one magazine, five pistols of 9mm with ten magazines, one pistol of 32 bore with three magazines, one 9mm pistol in a plastic wrapper with two magazines, one 32 bore pistol with two magazines, one revolver, fifteen bullets of 32 bore, twenty bullets of revolver, and twenty-three licenses of weapons, of which twenty licenses were in the name of Muhammad Bilal, two were in the name of his brother, and one was in the name of Riaz Ahmed Khan. The second person in the back seat, upon interrogation, disclosed his name as Muhammad Ibrahim s/o Muhammad Hassan Gadani. Upon checking his sack, the police recovered

one repeater of 12 bore with stand and binocular, two 9mm pistols with four magazines, one LAMA pistol of 32 bore with one magazine, and thirty-five live cartridges of 12 bore of red color with twenty-three live cartridges of white color of 12 bore. The third person in the car, who is the applicant/accused Ali Hassan s/o Guhram, disclosed his name and address. Upon checking his sack, the police recovered six pistols of 30 bore, thirty-seven packets containing fifty live bullets each of 30 bores totaling 1850 live bullets, one hundred bullets of 44 bore, one hundred bullets of 9mm, and fifty bullets of 222 rifle. During interrogation, the applicant/accused disclosed that all weapons were unlicensed and without permit. Upon his personal search, one Infinix mobile phone, one currency notes of Rs. 1000, and his original CNIC were recovered from his right-sided pocket. The driver who fled away was identified as Riaz Ahmed s/o Bashir Ahmed, who remained absconding. The complainant further reports that co-accused Muhammad Bilal Rajput disclosed that all the accused persons, including PC Nadir Sawand, were engaged in the business of purchasing illegal arms and selling them to various criminals. The recovered weapons were sealed separately in the presence of the mashirs, and the Toyota Corolla car was secured. In the car's dashboard, one duplicate CNIC of Riaz Ahmed s/o Bashir Ahmed was found and taken into police custody. Consequent upon; case was registered inter alia on the above facts.

3. The learned counsel for the applicant/accused submitted with considerable emphasis that the applicant/accused is an innocent person and has been falsely implicated in this case by the complainant SIP Irshad Ali Langah with malafide intention and ulterior motives due to grudge and enmity with the concerned SHO Police Station Rohri, namely Jahangir Khan Mahar. The learned counsel argued that there is no reasonable ground whatsoever to believe that the applicant/accused has committed the alleged offence. The counsel contended that the entire prosecution story advanced by the complainant is

false, fabricated, and is a managed narrative designed to trap an innocent person in a criminal case. The learned counsel emphasized that there exists an inordinate and unexplained delay of two hours in the lodging of the FIR. This unexplained delay creates substantial doubt in the prosecution story, and the false implication of the applicant/accused cannot be ruled out, particularly when the distance between the alleged place of incident and the police station is merely two to three kilometers. The counsel argued that the complainant has appointed only subordinates as witnesses, namely HC Rasool Bux and PC Nihaluddin Mahar, both of whom are police constables under the command and supervision of the complainant SIP Irshad Ali Langah. Their version cannot be considered trustworthy in the eyes of law. Furthermore, the alleged place of incident is described as a thickly populated and busy traffic area, yet no independent private witnesses were associated with the recovery proceedings. This violation of the mandatory provision of Section 103 of the Criminal Procedure Code is of grave significance and renders the evidence collection dubious. The learned counsel submitted that the alleged recovery has been foisted upon the applicant/accused merely to trap him in the present case, whereas no incriminating material whatsoever has been recovered from the applicant/accused personally. All the recovered weapons and ammunition came from the green sacks, and it was not established by any reliable and trustworthy evidence that these sacks belonged to the applicant/accused or that he had knowledge of their contents. The counsel emphasized the timing discrepancy between the anti-corruption complaint filed by the applicant/accused before the Special Judge Anti-Corruption at 1130 hours on 07.08.2025 and the alleged criminal incident supposedly occurring at 2230 hours on the same date. This timing creates a compelling circumstance suggesting the applicant/accused could not have been present at the alleged crime scene. The learned counsel argued that the case requires further inquiry under Section 497(2) of the

Criminal Procedure Code due to lack of independent evidence, infirmities in recovery proceedings, and misapplication of Anti-Terrorism Act provisions. The learned counsel further submitted that the applicant/accused is not a desperate or hardened criminal, nor has he been convicted in any offence of a similar nature. His false implication in the present crime cannot be ruled out. There is no apprehension whatsoever of tampering with evidence or jumping bail by the applicant/accused. Finally, the learned counsel relied upon the landmark judgment reported as *Muhammad Noman vs. The State and another* (2017 SCMR 560), wherein the Supreme Court established the principle that when investigation is deficient, one-sided, not satisfactory, and free from malice with reasonable doubt regarding the accused's involvement, bail must be granted as a matter of right under Section 497(2) Cr.P.C.

4. The learned Additional Prosecutor General representing the State strongly opposed the bail application on various grounds. The learned APG submitted that the applicant/accused stands nominated in the FIR and was arrested at the spot red-handed in possession of six pistols of 30 bore, 1850 live bullets of 30 bore, 100 bullets of 44 bore, 100 bullets of 9mm, and 50 bullets of 222 rifle. The learned APG argued that the applicant/accused was not merely found in proximity to the weapons but was specifically in possession of his own green sack containing these weapons and ammunition. The evidence of possession is clear and undeniable. The learned APG further submitted that the applicant/accused, along with co-accused persons including the main dealer Muhammad Bilal Rajput and police constable Nadir Sawand, was engaged in the illegal supply and sale of weapons and ammunition to various criminals and potentially to persons involved in acts of terrorism. The learned APG contended that the applicant/accused was apprehended with his co-accused in a car carrying these weapons, and he cannot escape liability by merely suggesting that the recovery has been foisted or that his presence at the scene was

coincidental. The learned APG emphasized that the offences charged fall within the ambit of the Anti-Terrorism Act 1997, and Section 21-D of the Anti-Terrorism Act provides restrictive provisions regarding bail. The learned APG argued that the applicant/accused, being charged with possessing weapons and ammunition for use in terrorism and dealing in illegal arms without licenses, cannot claim to be entitled to bail as a matter of right. The learned APG submitted that the investigation is still ongoing, and the applicant/accused should remain in custody so that the investigation can proceed unimpeded. The learned APG opposed the plea of false implication and argued that the police have no motive to falsely implicate an unknown person in a case involving terrorism and illegal arms dealing.

5. We have heard the arguments of learned counsel for both the applicant/accused and the learned Additional Prosecutor General representing the State, and have carefully examined the complete record including the FIR, investigation report, bail application, and all annexures attached therewith. We have also considered the legal precedents cited, particularly the landmark judgment of *Muhammad Noman vs. The State and another* (2017 SCMR 560), which has established binding principles applicable to bail matters involving allegations of terrorism-related offences.

6. The learned counsel for the applicant/accused has placed considerable emphasis on the alleged timing discrepancy between the applicant/accused's presence before the Special Judge Anti-Corruption Court at 1130 hours on 07.08.2025 and the alleged commission of the offence at 2230 hours on the same date. According to the learned counsel, this eleven-hour gap creates reasonable doubt regarding the applicant/accused's presence at the crime scene. We have carefully examined this contention and find it to be without merit for several compelling reasons. *First*, the time gap of eleven hours between 1130 hours and 2230 hours is more than adequate for any person to

travel from the Anti-Corruption Court to any location within Sukkur city and its surrounding areas. The distance between the court premises and the location of Hamdard Society near 100 Feet Road where the arrest occurred is about 8 to 10 kilometers, which can be traversed within 15 to 20 minutes by any mode of transportation. There is nothing physically impossible or improbable about the applicant/accused being present at both locations on the same day with an eleven-hour interval between the two events. *Second*, and more importantly, the prosecution has submitted Call Detail Records (CDR) of the mobile phone recovered from the applicant/accused, which establish through cell tower triangulation that the applicant/accused's mobile device was active in the vicinity of Hamdard Society area between 2100 hours and 2230 hours on 07-08-2025. The CDR further reveals multiple telephonic communications between the applicant/accused and co-accused Muhammad Bilal Rajput between 2030 hours and 2215 hours on the date of the incident, which corroborates the prosecution's case that the applicant/accused was in constant coordination with his co-accused persons regarding the transportation and delivery of illegal weapons. The CDR evidence is contemporary, objective, and technologically generated data that cannot be easily manipulated or fabricated. It constitutes independent corroboration of the prosecution's version regarding the applicant/accused's presence at the crime scene at the time of arrest.

7. The biometric affidavit and court diary entry from the Anti-Corruption Court merely establish that the applicant/accused was present at that court at 1130 hours on 07.08.2025. They do not establish where the applicant/accused was at 2230 hours on the same evening, which is eleven hours later. The learned counsel's argument that the applicant/accused "could not have been present" at the crime scene is based on speculation and conjecture rather than on any concrete evidence. The burden is on the applicant/accused to establish not merely that he was elsewhere at 1130 hours, but that he continued

to remain elsewhere at 2230 hours and could not have traveled to Hamdard Society during the intervening eleven hours. No such evidence has been produced. The applicant/accused has not provided any witness testimony, CCTV footage, hotel records, restaurant bills, or any other documentation showing his whereabouts during the crucial period between 1130 hours and 2230 hours. In the absence of such evidence, the mere fact that he was at the Anti-Corruption Court in the morning does not create an alibi for his presence elsewhere in the evening. Furthermore, we note that the filing of the anti-corruption complaint itself may have been a calculated move to create a false defense of alibi and to subsequently claim that the criminal case was registered in retaliation. Courts must be vigilant against such tactical maneuvers by accused persons who attempt to manufacture documentary evidence to support false defenses.

8. The learned counsel for the applicant/accused has strongly criticized the failure of the police to associate independent private witnesses with the recovery proceedings and has characterized this as a violation of Section 103 of the Criminal Procedure Code. While it is true that Section 103 Cr.P.C. mandates the association of independent witnesses in search and seizure proceedings, this provision is not absolute and admits of exceptions in circumstances where compliance would be impossible, impracticable, or would jeopardize the success of a counter-terrorism operation. The present case involves an intelligence-based operation conducted by the Counter-Terrorism Department (CTD) based on credible spy information regarding movement of illegal weapons by persons suspected of supplying arms to terrorist and criminal elements. The operation was conducted at night at about 2230 hours in circumstances requiring speed, secrecy, and tactical surprise. The complainant SIP Irshad Ali Langah has explained in the FIR that "due to non-availability of private witnesses, HC Rasool Bux and PC Nihaluddin were appointed as

mashirs." The unavailability of private witnesses at 2230 hours during a covert counter-terrorism operation is not only plausible but entirely expected. The police cannot be expected to delay or compromise a time-sensitive operation merely to locate and summon private citizens to witness recovery proceedings, particularly when such delay might enable the suspects to escape or dispose of evidence.

9. The settled principle of law is that while Section 103 Cr.P.C. mandates the association of witnesses, non-compliance with this provision does not render the recovery illegal or inadmissible if the prosecution can establish through other credible evidence that the recovery was genuine. The Supreme Court of Pakistan has held in numerous judgments that procedural irregularities in recovery proceedings may affect the weight of evidence but do not automatically result in the accused being entitled to bail if other strong and cogent evidence exists connecting the accused with the commission of the offence. In the present case, the recovery is not based solely on the testimony of the two official witnesses. The recovery is corroborated by (i) the arrest of the applicant/accused along with co-accused persons in a car containing the weapons; (ii) the recovery of the Infinix mobile phone from the applicant/accused's possession, the CDR of which establishes his contact with co-accused; (iii) the recovery of the applicant/accused's CNIC from his person; (iv) the specific nature and quantity of weapons and ammunition recovered, which have been sealed and secured; (v) the forensic examination reports on the weapons confirming they are functional and unlicensed; and (vi) the statement of co-accused Muhammad Bilal Rajput implicating the applicant/accused and other persons in the arms dealing network. When viewed cumulatively, this body of evidence creates a strong prima facie case against the applicant/accused that goes far beyond the mere testimony of official witnesses. The violation of

Section 103 Cr.P.C., even if established, is a technical irregularity that must be weighed against the overwhelming evidence of guilt.

10. The learned counsel for the applicant/accused has contended that the spy information upon which the operation was based has not been disclosed and that the source remains unknown, which allegedly creates doubt regarding the bona fides of the police action. We find this argument to be misconceived and contrary to established principles of intelligence-based policing. Police authorities routinely receive information from confidential informers whose identity must be protected to ensure their safety and to maintain the effectiveness of intelligence networks. Section 123 of the *Qanun-e-Shahadat* Order, 1984 specifically protects official communications and information obtained from confidential sources from disclosure if such disclosure would be against public interest. The Supreme Court of Pakistan has consistently held that non-disclosure of the identity of an informer does not invalidate police action taken on the basis of such information, provided the prosecution can establish through independent evidence that the crime was actually committed and that the accused was involved. In counter-terrorism operations, the protection of informer identity is particularly critical because disclosure may endanger the informer's life and deter others from providing crucial intelligence. The present case is not one where the entire prosecution case rests solely on undisclosed information. Rather, the information led to a successful interception operation that resulted in the apprehension of the accused persons red-handed in possession of a large cache of illegal weapons and ammunition. The recovery of weapons is an objective fact that has been documented, photographed, sealed, and subjected to forensic examination. The weapons exist as material evidence independent of the source of the initial information. Once the weapons were recovered from the possession of the applicant/accused, the burden shifted to him to explain their possession, which he has failed to do satisfactorily.

11. The applicant/accused has made serious allegations of malice, enmity, and false implication arising from his filing of an anti-corruption complaint against SHO Jahangir Khan Mahar on the morning of 07.08.2025. According to the learned counsel, the criminal case was fabricated in retaliation for this complaint. We have carefully examined this contention and find it to be a diversionary tactic designed to deflect attention from the serious evidence against the applicant/accused. The anti-corruption complaint and the criminal case are two separate and independent matters that must be assessed on their own merits. The fact that the applicant/accused filed a complaint against a police official does not clothe him with immunity from prosecution for criminal offences that he may subsequently commit. If the prosecution's case were based solely on the uncorroborated statement of SHO Jahangir Khan Mahar or SIP Irshad Ali Langah without any independent evidence, the allegation of malice might carry some weight. However, the present case is supported by concrete material evidence in the form of (i) recovery of six pistols of 30 bore, 1850 live bullets, and other ammunition from the applicant/accused's possession; (ii) his arrest along with co-accused persons in a vehicle; (iii) his mobile phone CDR showing contact with co-accused; (iv) recovery of his CNIC; and (v) confessional statements of co-accused implicating him. This body of evidence cannot be explained away as a fabrication motivated by malice. The weapons and ammunition recovered from the applicant/accused are tangible objects that exist independent of any alleged animosity. The CDR records are generated by telecommunication companies and are not subject to manipulation by police officials. The arrest of multiple co-accused persons and the seizure of the vehicle create a factual matrix that cannot be attributed to mere retaliation.

12. Furthermore, we note that if the police had intended to falsely implicate the applicant/accused in a fabricated case, they would not have waited eleven hours after he filed his complaint. They would have arrested him

immediately or within a short time. The fact that the arrest occurred eleven hours later at night during an intelligence-based operation lends credibility to the prosecution's version that the arrest was based on genuine information regarding movement of illegal weapons. The timing actually undermines rather than supports the malice theory. Additionally, the allegation of malice fails to explain why co-accused Muhammad Bilal Rajput and Muhammad Ibrahim Gadani, who apparently have no connection with the anti-corruption complaint, were arrested along with the applicant/accused with similar recoveries. If this were a case of targeted false implication motivated by revenge, the police would have implicated only the applicant/accused rather than arresting multiple persons in an elaborate operation. The presence of co-accused and their independent involvement in the arms dealing conspiracy corroborates that this was a genuine operation targeting an organized criminal network rather than a vendetta against one individual.

13. The learned counsel for the applicant/accused has argued that no nexus with terrorism or terrorist organizations has been established and that the invocation of Section 7 of the Anti-Terrorism Act 1997 is unjustified. We are unable to accept this submission. Section 7 of the Anti-Terrorism Act provides that whoever commits any act with the intention of aiding terrorism or for the purpose of facilitating terrorist activities shall be guilty of an offence. The provision does not require that the accused be a formal member of a proscribed terrorist organization or that he personally commit an act of terrorism. It is sufficient if the act committed is of such nature as to aid, facilitate, or support terrorist activities. The large-scale dealing in illegal weapons and ammunition unquestionably falls within this category. The applicant/accused was found in possession of six pistols and 1850 bullets of various calibers. Co-accused Muhammad Bilal Rajput was found with hand grenades, Kalashnikov rifles, multiple pistols, and magazines. Co-accused Muhammad Ibrahim Gadani was

found with repeaters, pistols, and cartridges. The sheer quantity and variety of weapons recovered demonstrates that this was not a case of personal possession of a single unlicensed weapon for self-defense. This was an organized commercial operation involving procurement, storage, transportation, and sale of military-grade weapons and ammunition to unknown buyers. The FIR specifically records the disclosure by co-accused Muhammad Bilal Rajput that the accused persons were engaged in purchasing illegal arms and selling them to "*various criminals*." The term "*criminals*" in the context of illegal arms dealing in Pakistan today necessarily includes persons involved in terrorism, sectarian violence, targeted killings, kidnapping for ransom, and other serious crimes that threaten public order and security. Pakistan is facing an ongoing threat from terrorist organizations and militant groups operating in various parts of the country. These organizations require a constant supply of weapons and ammunition to carry out their activities. The illegal arms dealers who supply weapons to such organizations are as culpable as the terrorists themselves because they provide the means by which terrorist acts are committed.

14. The Supreme Court of Pakistan has held in several judgments that the Anti-Terrorism Act must be interpreted broadly to encompass not only the actual commission of terrorist acts but also the facilitation, financing, and logistical support of terrorism. Persons who deal in illegal weapons on a commercial scale and supply them to criminals and militants are facilitating terrorism within the meaning of Section 7 of the ATA. The Investigating Officer's statement that no evidence exists "*connecting the applicant/accused with any militant organization*" does not mean that Section 7 is inapplicable. The prosecution is not required to prove that the applicant/accused was a member of or in direct contact with a specific terrorist organization. It is sufficient to prove that he was engaged in activities that facilitate terrorism by supplying weapons to persons who may use them for terrorist purposes. The

recovery of hand grenades, Kalashnikov rifles, and a massive quantity of ammunition establishes the seriousness of the offence and its potential connection with terrorism. Hand grenades and Kalashnikov rifles are military-grade weapons that have no legitimate civilian use. They are weapons of choice for terrorist organizations and criminal gangs involved in serious crimes. The fact that such weapons were being transported for sale to unknown buyers creates a reasonable inference that the ultimate recipients may include persons engaged in terrorism or serious criminal activities. In these circumstances, the invocation of Section 7 of the Anti-Terrorism Act is fully justified and warranted.

15. The learned counsel for the applicant/accused has placed strong reliance on the judgment of the Supreme Court in *Muhammad Noman vs. The State and another* (2017 SCMR 560) and has argued that the present case falls within the ambit of Section 497(2) Cr.P.C. requiring further inquiry into the guilt of the accused. We have carefully examined the Muhammad Noman judgment and find that it does not assist the applicant/accused in the present case. The factual circumstances in *Muhammad Noman* were significantly different from those in the present case. In *Muhammad Noman*, the investigation was found to be deficient, one-sided, and not satisfactory. The evidence was insufficient to connect the accused with the alleged offence. There were material contradictions and inconsistencies in the prosecution's case. The accused was not arrested red-handed with any incriminating material. In contrast, the present case involves the arrest of the applicant/accused red-handed in a vehicle containing a large cache of illegal weapons and ammunition. The recovery of six pistols and 1850 bullets from a green sack placed in front of the applicant/accused creates overwhelming prima facie evidence of possession. The applicant/accused has not disputed that he was in the vehicle at the time of arrest. He has not disputed that weapons were recovered from the

vehicle. His defense is limited to claiming that (i) he did not know the contents of the sack; (ii) the recovery was foisted upon him; and (iii) he was falsely implicated due to malice. These defenses are implausible and contrary to common sense. A person sitting in a vehicle with a heavy sack containing 1850 bullets placed directly in front of his feet cannot credibly claim ignorance of its contents. The weight alone of nearly two thousand bullets would be substantial and noticeable. The presence of three separate persons in the vehicle, each with their own sack of weapons, demonstrates coordinated action and joint enterprise rather than innocent coincidence.

16. The principle established in Muhammad Noman that bail should be granted when the investigation is deficient and the accused's involvement is not free from reasonable doubt applies when there is insufficient evidence to connect the accused with the crime. That principle does not apply when the accused is arrested red-handed in possession of incriminating articles and the evidence is strong, credible, and corroborated by multiple independent sources. In the present case, the evidence includes (i) arrest at the spot; (ii) recovery of weapons and ammunition; (iii) recovery of mobile phone; (iv) CDR evidence; (v) recovery of CNIC; (vi) statements of co-accused; (vii) seizure of the vehicle; and (viii) forensic reports on the weapons. This is not a case of deficient investigation or lack of evidence. This is a case of strong prosecution evidence that establishes a clear prima facie case against the applicant/accused. The case does not require "further inquiry" within the meaning of Section 497(2) Cr.P.C. because the essential facts are already established. The question is not whether the applicant/accused was present at the scene or whether weapons were recovered, these facts are undisputed. The question is whether the recovered weapons belonged to him and whether he knowingly possessed them. These are questions of fact that must be determined at trial after full examination of evidence, not at the bail stage. The Supreme Court has consistently held that

bail cannot be granted on the ground that the final outcome of the trial is uncertain or that the accused may ultimately be acquitted. If that were the test, then every accused would be entitled to bail because the outcome of every trial is uncertain until judgment is pronounced. The test at the bail stage is whether there is prima facie evidence and reasonable grounds to believe that the accused has committed the offence. In the present case, that test is satisfied.

17. We must also consider the restrictive provisions of Section 21-D of the Anti-Terrorism Act 1997 regarding grant of bail in cases involving terrorism-related offences. Section 21-D(2) provides that notwithstanding anything contained in the Code of Criminal Procedure or any other law, a person accused of an offence punishable under the ATA shall not be released on bail if the Court is satisfied that there are reasonable grounds for believing that the accusation against such person is true. Section 21-D(3) further provides that the Court may admit a person to bail only if satisfied that there are no substantial grounds for believing that the person, if released on bail, would (a) fail to surrender to custody; (b) commit an offence while on bail; (c) interfere with witnesses or obstruct the course of justice; or (d) fail to comply with conditions of release. Section 21-D(4) requires the Court to have regard to (i) the nature and seriousness of the offence; (ii) the character, antecedents, and associations of the person; (iii) the time already spent in custody; and (iv) the strength of the evidence. In the present case, all these factors weigh against the grant of bail.

18. The nature and seriousness of the offence cannot be overstated. The applicant/accused is charged with possession of six pistols, 1850 bullets of 30 bore, 100 bullets of 44 bore, 100 bullets of 9mm, and 50 bullets of 222 rifle, all without license or lawful authority. These weapons and ammunition, if sold to criminals or terrorists, have the potential to cause death and destruction to scores of innocent citizens. The character and associations of the applicant/accused are revealed by the fact that he was found in the company of co-accused persons

engaged in large-scale arms dealing. The confessional statement of co-accused Muhammad Bilal Rajput implicates the applicant/accused as part of an organized network that includes even a police constable (Nadir Sawand). This suggests deep-rooted criminal associations and corruption. The strength of the evidence, as discussed extensively above, is formidable and creates reasonable grounds for believing that the accusation is true. While the applicant/accused has been in custody since 07.08.2025, the period of incarceration must be weighed against the gravity of the offence and the strength of the evidence. The right to liberty guaranteed under Article 9 of the Constitution is not absolute and must be balanced against the paramount interest of public safety and security. When an accused is charged with serious terrorism-related offences involving weapons that threaten the lives of citizens, and when strong evidence exists of his guilt, the scales of justice tilt in favor of continued detention pending trial rather than premature release on bail.

19. We are further concerned about the substantial risk that the applicant/accused, if released on bail, may interfere with the investigation or attempt to influence witnesses. The case involves multiple co-accused persons, some of whom are still absconding. The confessional statements of co-accused Muhammad Bilal Rajput and others form crucial evidence. If the applicant/accused is released, there is a real danger that he may contact these witnesses and attempt to persuade them to resile from their statements. There is also the concern that he may contact his associates in the arms dealing network to dispose of additional weapons or evidence. The investigating officer has stated that the investigation is still ongoing and that efforts are being made to apprehend absconding accused Riaz Ahmed and Police Constable Nadir Sawand. The release of the applicant/accused at this stage would send a wrong signal to these absconding accused that they can evade justice and would undermine the ongoing investigation. The learned Additional Prosecutor

General has rightly emphasized that the investigation must be allowed to proceed unimpeded and that the premature release of the applicant/accused would jeopardize the prosecution's case.

20. We are mindful of the principle that bail is a rule and jail is an exception in cases not falling within the prohibitory clause of Section 497 Cr.P.C. However, the present case falls squarely within the prohibitory clause. The applicant/accused is charged with offences under the Anti-Terrorism Act 1997, which are punishable with imprisonment for life or a term which may extend to ten years or more. Section 497(1) Cr.P.C. provides that when a person is accused of an offence punishable with death or imprisonment for life or imprisonment for ten years or more, such person shall not be released on bail if there appear reasonable grounds for believing that he has been guilty of such offence. In the present case, reasonable grounds exist for believing that the applicant/accused is guilty of the offences charged. The recovery of weapons and ammunition from his possession, his presence in the vehicle with co-accused engaged in arms dealing, the CDR evidence, and the confessional statements of co-accused all constitute reasonable grounds for believing that he has failed to make out case for further inquiry. The principle that "bail is the rule" therefore does not apply to the present case, which is governed by the prohibitory clause requiring refusal of bail when reasonable grounds of guilt exist.

21. The learned counsel for the applicant/accused has submitted that the applicant/accused is not a desperate or hardened criminal, has no previous criminal record, and has local roots and family connections in the area. While these factors may be relevant in cases of minor offences, they carry little weight when weighed against the gravity of the present charges. Many first-time offenders commit serious crimes. The fact that a person has not previously been convicted does not mean he is incapable of committing a serious offence or that

he should be granted bail despite strong evidence against him. The local roots and family connections of the applicant/accused do not eliminate the risk of flight or absconding. The involvement of organized criminal networks in arms dealing means that the applicant/accused may have resources and connections that enable him to evade justice if released on bail. The fact that one of the co-accused, Riaz Ahmed, managed to flee from the scene of arrest despite being identified demonstrates that flight is a real possibility in this case. We cannot ignore the possibility that the applicant/accused, if released, may follow the example of his absconding co-accused and disappear from the jurisdiction of the court.

22. We have carefully examined the entire record and considered all the arguments advanced by learned counsel for both parties. We have weighed the right to liberty of the applicant/accused against the interests of justice, public safety, and the integrity of the investigation and trial process. We have considered the principles established by the Supreme Court in *Muhammad Noman* and other precedents. However, we find that the factual and legal circumstances of the present case do not warrant the grant of bail. The evidence against the applicant/accused is strong, credible, and corroborated by multiple independent sources. The offences charged are of the gravest nature and pose a serious threat to public safety and national security. The case falls within the prohibitory clause of Section 497 Cr.P.C. and the restrictive provisions of Section 21-D of the Anti-Terrorism Act 1997. The applicant/accused has failed to rebut the presumption of guilt arising from his arrest in possession of a large cache of illegal weapons and ammunition. The allegations of malice, false implication, and procedural irregularities are not sufficient to overcome the overwhelming evidence against him. The case does not fall within the ambit of Section 497(2) Cr.P.C. requiring further inquiry because the essential facts establishing prima facie guilt are already on record. In these circumstances, we

are satisfied that there are reasonable grounds for believing that the accusation against the applicant/accused is true and that his release on bail at this stage would be contrary to the interests of justice.

23. For all the foregoing reasons, we found no merit in the Criminal Bail Application. Accordingly, it was dismissed vide short order dated 15.10.2025. These are detailed reasons thereof. However, trial court is directed to expedite the proceedings and conclude the trial within the shortest possible time in accordance with the mandate of the Anti-Terrorism Act 1997, which requires speedy disposal of cases. The observations made in this order are tentative in nature and are recorded solely for the purpose of deciding the bail application. The trial court shall not be influenced by these observations while deciding the case on merits. The trial court shall independently appreciate the evidence produced during trial and shall decide the guilt or innocence of the applicant/accused based on the evidence adduced during trial, free from any impression created by this order. It is made clear that nothing contained in this order shall prejudice the rights of the applicant/accused to present his defense at trial or to establish his innocence.

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