

## **HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

### **Cr. Bail Application No.S-442 of 2026.**

*[Manzoor Ahmed Vs. The State]*

Applicant : Manzoor Ahmed **through** M/s Qadir Buksh Rajper and Beebrak, Advocates.

Complainant : Khalid Jamil **through** Syed Shafique Ahmed Shah, Advocate.

Respondent : The State **through** Ms. Rameshan Oad, Deputy Prosecutor General.

Date of Hearing : 04.05.2026.

Date of Decision : 04.05.2026.

### **ORDER**

**Syed Fiaz ul Hassan Shah, J :-** The Applicant above-named seeks post-arrest Bail in F.I.R No.93/2026, registered at Police Station Hatri, District Hyderabad for offence punishable under Section 413, 406, 285, 420-PPC. Previously, he applied for the same relief before learned 2<sup>nd</sup> Additional Sessions Judge, Hyderabad but the request was declined vide order dated 09.04.2026.

2. The allegations against the Applicant are that the applicant Manzoor Ahmed Mugheri alongwith 5/6 other persons stolen the crude oil from the pipeline of OGDCL Tando Alam, Hyderabad, hence he is booked in this case.

3. Learned counsel for applicant/accused states that the applicant has falsely been implicated in this case as neither recovery has been affected nor he was arrested from the spot. He submitted statement alongwith copy of challan and submits that the Sections 413, 420 & 406 PPC have been deleted upon recommendation by the prosecution, however, only remaining Section 285-PPC provides maximum punishment six months, which does not fall within prohibitory clause of Section 497 Cr.P.C.

4. On the other hand, learned counsel for complainant submits that subsequently the applicant/accused was arrested and recovery was made

and the applicant/accused are responsible, who have caused damages to the national exchequer, therefore, the Bail Application may be rejected.

5. On her turn, learned D.P.G pointed out that recovery memo was prepared showing three tanks of crude oil, however, it has been mentioned that a very small quantity of crude oil available in all these three tanks / drums, while the prosecution during course of scrutiny conferred under Section 9 of the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009 advised the Investigation officer to delete Sections 413, 406 and 420 PPC as according to their opinion cannot demonstrable in view of the available record. Thereafter, Challan was filed under Section 285 PPC according to contents and material collected by the Investigation Officer before Trial Court. She further contended that the quantum / loss of such recovered crude oil is not mentioned in the memo of recovery.

6. Heard learned counsel for parties and perused the record with their assistance.

7. It is admitted fact that the case was registered by the Security Officer of OGDCL Company and after few hours of registration of the case, recovery was effected and three plastic tanks of white color having crude oil without mentioning any proper quantum or specific weight were recovered coupled with the fact that from the recovered three drums of crude oil, the prosecution set up a case that only small quantity word "تھوڑا تھوڑا" are mentioned which further made the case of prosecution as of "further inquiry". It is admitted fact that all Mashirs of such Memorandum of Recovery and Arrest were police officials and none of the official from OGDCL Company including the complainant came forwarded to become the mashir of such recovery. The alleged recovery was affected without presence of the complainant or representative of the OGDCL Company which is an additional ground which made the case of prosecution as one of "further inquiry". The alleged offence does not fall within prohibitory clause of Section 497 (1) Cr.P.C and the maximum punishment is up to six months, therefore, in such like cases grant of bail is a rule and refusal is an exception.

8. In view of above, the applicant has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C. The investigation has already been completed and the charge sheet/challan has been filed with the trial Court; therefore, the Applicant is no more required for investigation and no fruitful would be achieved by keeping incarceration the Applicant for indefinite period. Further, the prosecution has not shown any apprehension that in case, the applicant is released on bail he shall influence the prosecution witnesses or may damage the evidence. In such circumstances, the possibility of the applicant tampering with the prosecution evidence appears to be remote.

9. In view of above, the present applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and P.R Bond in the like amount to the satisfaction of learned trial Court.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

**J U D G E**

*Ali.*