

**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No.656 of 2026**

Applicant : Muhammad Arif s/o Muhammad Raheem  
Through Mr. Ajab Khan Khattak,  
Advocate

Respondent : The State  
Through Mr. Dur Muhammad Shah, DAG

Date of hearing : 08.04.2026  
Date of order : 08.04.2026

**ORDER**

**MIRAN MUHAMMAD SHAH, J:-** Through this bail application, the applicant/accused Muhammad Arif s/o Muhammad Raheem, seeks post-arrest bail in Crime No.07/2026, registered under sections 3,4,6 & 7 of prevention of Smuggling of Migrants Act (PSMA) 2018 (amended in March 2025), at Police Station FIA AHT Circle, Karachi. His earlier application for the same relief, was dismissed, vide order dated 28.01.2026, by the Court of learned Special Judge (Central), Karachi.

2. The facts of the case need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Heard learned counsel for the application as well learned DAG and perused the record. It appears that the present applicant, along with three other persons, was travelling to Malaysia, however, they were off-loaded from the plane on the ground that they were not carrying sufficient documents for travelling and stay abroad. It is yet to be determined during trial as to whether the FIA officials have lawful jurisdiction to inquire into the financial status or other related matters of the passengers in the manner

alleged by the prosecution. Learned DPG has contended that due to misuse of visa facilities, people often leave the country and get involved in illegal activities abroad; therefore, strict vigilance is required. Learned DAG has also submitted that directions have been issued by the DG FIA to keep a close watch on such passengers. While these submissions reflect a general concern, the same cannot, by themselves, be made a sole basis to deny bail in an individual case without specific incriminating material.

4. Admittedly, the offence with which the applicant is charged does not fall within the prohibitory clause of section 497, Cr.P.C. It is well-settled principle of law, consistently reiterated by the superior Courts, that in such offences, grant of bail is a rule and refusal is an exception, unless exceptional circumstances are shown. It further appears from the record that the investigation has already been completed and challan has been submitted before the trial Court. One of the co-accused is still absconding and proceedings against him are being initiated, due to which the conclusion of trial is likely to take some time. The applicant is in custody, and no useful purpose would be served by keeping him behind bars for an indefinite period, particularly when the alleged offence carries a maximum punishment of up to five years. Nothing has been pointed out on record to show that the applicant is a previous convict or that he is likely to abscond or tamper with the prosecution evidence. The case, in its nature, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

5. In view of the above facts and circumstances, the applicant has made out a case for grant of post-arrest bail. Accordingly, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only ) and a PR bond in the like amount to the satisfaction of the learned trial Court.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuse the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

**JUDGE**

Suleman Khan/PA

