

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.668 of 2026

Applicant : Mohsin Ahsan s/o Ahsan, Christan
Through Mr. Asad Ali Kalwar, Advocate

Respondent : The State
Through Ms. Rubina Qadir, Addl. P.G.

Date of hearing : 30.03.2026
Date of order : 30.03.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through this bail application, the applicant Mohsin Ahsan son of Ahsan Christan, seeks post-arrest bail in Crime No.626 of 2025, registered at Police Station Azizabad, Karachi, under Article 3 & 4 of the Prohibition (Enforcement of Hadd) Order 1979. Earlier his bail application was dismissed by the learned Additional Sessions Judge-III, Karachi Central, vide order dated 10.01.2026.

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 stated in detail therein.

3. I have heard learned counsel for the applicant, as well as learned APG and perused the record.

4. Admittedly, according to the contents of the FIR, the police party had prior information regarding the presence of the applicant/accused and the alleged alcohol/beer in his possession. Despite having such prior information, the police did not associate any private person either from the place of information or the place of alleged recovery to act as a witness/mashir. This omission renders the alleged recovery doubtful and calls for further inquiry. Furthermore, Article 4 of the Prohibition (Enforcement of Hadd) Order is punishable with imprisonment up to two

years and is a bailable offence, whereas the punishment provided under Article 3 extends up to five years. Therefore, the case does not fall within the prohibitory clause of Section 497, Cr.P.C. It is a settled principle of law that in offences not falling within the prohibitory clause of Section 497, Cr.P.C., the grant of bail is a rule and refusal is an exception. Moreover, the guilt or innocence of the applicant can only be determined after recording evidence at trial. At this stage, there are sufficient grounds for further inquiry into the prosecution case. In these circumstances, the applicant successfully made out a case for the grant of post-arrest bail. Consequently, the instant bail application was allowed, and the applicant was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court, vide short order dated 30.03.2026. These are the reasons for the same.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits.

Criminal bail application stands disposed of.

JUDGE

