

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-313 of 2026

Applicants: 1. Ghulam Mustafa s/o Ibrahim,
2. Rashid Ali s/o Muhammad Ayoub
Through Mr. Dileep Kumar advocate.

Respondent: The state through Mr. Neel Parkash,
learned D.P.G.

Date of Hearing: 07.07.2026

Date of Order: 07.07.2026

O R D E R

Khalid Hussain Shahani, J: By means of the instant criminal bail application, the applicants, Ghulam Mustafa and Rashid Ali, solicit indulgence of this Court for grant of post-arrest bail in Crime No.103/2026, registered under Sections 489-B and 489-C of the Pakistan Penal Code at Police Station Sanghar, following the dismissal of their bail petition by the learned Additional Sessions Judge-I (MCTC), Sanghar, vide order dated 01.06.2026.

2. The factual matrix and particulars of the F.I.R. stand duly reflected in the record before this Court and, for the sake of brevity, need not be reiterated in extenso.

3. Learned counsel for the applicants has argued with considerable vehemence that the applicants have been enmeshed in a false and fabricated case, asserting that no allegation exists to the effect that the applicants ever passed off, tendered, or attempted to utilize the recovered currency notes as genuine tender. He submitted that the prosecution's edifice rests exclusively upon the testimony of police functionaries, who, being interested

and subordinate witnesses, cannot be regarded as independent or disinterested. It was further contended that the applicants, being engaged in the trade of cattle, had, on the occasion of Eid, realized a sum of Rs. 17,00,000/- from the sale of livestock at the cattle market, and were thereafter intercepted by Tando Adam Police while in transit and handed over to Sanghar Police, who implicated them in the present case. Learned counsel emphasized that the alleged recovery has been foisted upon the applicants and that, till date, no report from the State Bank of Pakistan or any forensic examination has been placed on record to substantiate that the currency notes so recovered were, in fact, counterfeit.

4. Conversely, the learned Deputy Prosecutor General, appearing for the State, has resisted the grant of bail, contending that the currency notes were recovered from the exclusive possession of the applicants, thereby disentitling them to the concession sought.

5. This Court has heard the learned counsel for the applicants and the learned D.P.G for the State at considerable length and has undertaken a meticulous scrutiny of the record. It emerges therefrom that the accusation levelled against the applicants pertains to possession of counterfeit currency notes, which, prima facie, brings the matter within the ambit of Section 489-C P.P.C. No direct or cogent material is forthcoming on record to demonstrate that the applicants were actively engaged in the use, circulation, or fraudulent tendering of the said counterfeit notes at the material time. Therefore, in order to constitute offence under section 489-B PPC, a person must have the knowledge or have reason to believe that the currency notes in question were forged or counterfeited,

which requires recording of evidence. In this respect reliance is placed on PLD 2008 Karachi 325, 1992 P.Cr.L.J 1913.

6. It is noteworthy that the entirety of the prosecution witnesses comprises police officials. Notwithstanding the assertion in the F.I.R that the police were in possession of prior spy information regarding the applicants' alleged involvement in the trade of counterfeit currency, no independent or private witness was associated with the raiding party or the recovery proceedings, a circumstance that casts a discernible shadow of doubt upon the veracity of the prosecution's narrative. It remains undisputed that the applicants were not apprehended in the act of tendering or fraudulently utilizing the counterfeit notes, and accordingly, the essential ingredients constituting an offence under Section 489-B P.P.C. do not appear to be satisfactorily established at this preliminary stage. The offence under Section 489-C P.P.C, simpliciter, being punishable with imprisonment extending to seven years, does not attract the prohibitory clause contained in Section 497(1) Cr.P.C. The case of the applicants, therefore, prima facie warrants further inquiry into their guilt.

7. It is further observed that the applicants have remained under incarceration since the date of their arrest, that the investigation stands concluded, and that the interim challan has already been submitted before the competent Court. In such circumstances, their continued detention would serve no meaningful or salutary purpose.

8. For the foregoing reasons, this Court is of the considered view that the case against the applicants falls squarely within the contemplation of Section 497(2) Cr.P.C, warranting further inquiry.

Accordingly, the applicants are admitted to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees One Hundred Thousand only) each, together with a personal recognizance (P.R.) bond in the like amount, to the satisfaction of the learned trial Court.

9. It is clarified, for the avoidance of doubt, that the observations rendered hereinabove are of a tentative and preliminary character, confined solely to the disposal of the instant application, and shall not be construed so as to prejudice either party at the trial on merits.

10. The instant criminal bail application stands disposed of in the terms noted above.

JUDGE

“Chander Kumar”