ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Jawad Akbar Sarwana

Cr. Bail Appl No.3128 of 2026
(Ejaz & another **vs**. The State)

Cr. Bail Appl No.3086 of 2026
(Muhammad Maaz Bin Younus **vs**. The State)

Cr. Bail Appl No.3087 of 2026
(Muhammad Maaz Bin Younus & another **vs**. The State)

Date of hearing
& order: **03.11.2026**

Mr. Khadim Hussain Khoso, advocate for applicants in Cr. B.A. No.3128/2026
Mr. Aamir Mansoob Qureshi, advocate for applicants in Cr. B.A. No.3086 & 3087/2026
Mr. Mohammad Ali Noonari, DPG a/w M/s. Tahir Ghaffar Khanzada and Sajid Ali Memon Provincial Inspector of Drugs and SIO Maqbool Ahmed Mahar of Police Station Darkshan, Karachi

O R D E R

Jawad Akbar Sarwana J.: The applicant(s)/accused namely,

(i) Ejaz S/o Muhammad Anwar and Muhammad Rafiq S/o Niaz Ahmad in Cr. Bail Appl No.3128 of 2026, and

(ii) Son and father, Muhammad Maaz Bin Younus S/o Muhammad Younus and Muhammad Younus S/o Siraj Ahmed in Cr. Bail Appl No.3087 of 2026 in Crime No.839 of 2026 U/Ss 23(1)(a)(i), 23(1)(a)(vii), 23(1)(a)(x), 23(1)(c), 23(1)(e), 23(1)(f), 23(1)(i) r/w 27(1)(a), 27(1)(c), 30 and 34 of the Drugs Act, 1976, of Police Station Steel Town, District Malir, Karachi,

and

(iii) Muhammad Maaz Bin Younus S/o Muhammad Younus in Cr. Bail Appl No.3086 of 2026 in Crime No.482 of 2026 U/Ss 23(1)(a)(v), 23(1)(a)(vi), 23(1)(a)(vii), 23(1)(a)(x), 23(1)(i) and 27 of the Drugs Act, 1976, of Police Station Steel Town, District Malir, Karachi,

are seeking pre-arrest bail in the above crime. They are present on ad-interim pre-arrest bail granted to them vide orders dated 18.09.2026 and 22.09.2026, respectively. Today the matters are fixed for confirmation or otherwise.

2. We have heard the learned counsel for the applicant/accused and the Deputy Prosecutor General and have perused the record, and our observations are as herein below.

3. The background of the matter is set out in the FIR, which, for the sake of brevity, is not reproduced and may be read into this paragraph ad seriatim.

4. Learned counsel for the applicants/accused submits that the applicant/accused are innocent and have been falsely implicated in the case; that no independent witness has been cited in the case; that provisions of Drugs Act, 1976 have not been followed by the police; that the applicant is not manufacturer of the subject medicine/ drugs but is only licensed whole seller; that sections applied in the FIR do not attract in the present case; that alleged offence does not fall within prohibitory clause of section 497 Cr.P.C; that applicant was granted interim pre arrest bail by the trial court, which he never misused, however, his bail application has been dismissed by the trial court and interim pre arrest was recalled which as per Counsel contentions is contrary to law.

5. The brief background of the matter is that as per FIR No.839/2026, Ejaz S/o Muhammad Anwar was found operating a vehicle with Muhammad Rafiq S/o Niaz Ahmad accompanying him, allegedly transporting approximately 35,98,000 tablets of allegedly unregistered and spurious medicines, valued at more than Rs.5 crores. The said vehicle was owned and registered in the name of Muhammad Younus S/o Siraj Ahmed. Based on the materials recovered, including invoices, delivery challans, etc., the case relates to business dealings concerning Messrs. A.M. International / Messrs. Avensis Pharmaceutical, which are apparently being operated by the father and son, Muhammad Younus S/o Siraj Ahmed and Muhammad Maaz Bin Younus S/o Muhammad Younus. Earlier, during a raid at the premises of the above business, stocks of ten different medicines suspected to be unregistered or spurious were also recovered, which is the basis of FIR No.482/2026.

6. Given the ownership and use of the vehicle employed for transportation of the medicines, the documents relating to their purchase and supply, and the alleged commercial association of the applicants/accused with the seized products, no case for malafide is made out in the present facts and circumstances of the case in FIR No.839/2026. The overall tentative assessment of the ongoing inquiry demonstrates an alleged organised and scrupulous pharmaceutical business, and no exceptional circumstances have been shown to justify concession of bail in the aforementioned FIR. Likewise, no material has been placed on record establishing mala fide or ulterior motive so as to attract the extraordinary jurisdiction for grant of pre-arrest bail.

7. Turning to FIR No.482/2026, we observe that the applicant, being proprietor of M/s A.M. International, was present when the Drug Inspector,

accompanied by police officials, conducted the raid at his business premises and recovered stocks of ten different medicines suspected to be unregistered or spurious. Samples of five medicines were taken for examination, of which three were reportedly declared substandard and unregistered. Given this background, the plea of mala fide and false implication has no legs to stand, and the Court finds sufficient prima facie material connecting the applicant with the alleged offences. The applicant/accused Counsel argued that the stocks found were merely samples which would have been sent to DRAP for approval; however, at the same time, he conceded that no information was available on record to corroborate his defence, viz. he could not demonstrate that it was a common practice for him to store such samples based on past correspondence with DRAP. In short, nothing was/is attached to inspire confidence in such defence plea at the stage of bail.

8. Section 23 of the Drugs Act, 1976 prohibits, inter alia, manufacture of drugs without licence, manufacture and sale of unregistered drugs and dealing in spurious drugs. Section 27 provides penal consequences for such contraventions. The statutory scheme aims to protect public health through strict control over the manufacture, registration, and quality of drugs. On a tentative assessment of the available record in the bail applications, there is sufficient incriminating material against the applicants/accused, and Counsel are unable to satisfy us that there is any reason on the part of the police to either falsely implicate the applicants/accused or to humiliate them or to cause unjustifiable harassment against them.

9. Given the above, all three Criminal Bail Applications are hereby dismissed and the interim pre-arrest bail earlier operating in favour of the applicants/accused are recalled.

10. Needless to mention that the observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial. The bail application is disposed of in the above terms.

Office to place a copy of this order in connected bail applications.

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