

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2230 of 2023**

Applicant : Syed Usama Hasan
through Mr. Nadir Khan Burdi, Advocate

Respondent : The State
through Mr. Altaf Ahmed Sahar,
Assistant Attorney General
alongwith PI Junaid Malik, FIA, I.O.

Date of hearing : 27th October, 2023

Date of order : 31st October, 2023

ORDER

Omar Sial, J: Syed Usama Hasan has sought post-arrest bail in crime number 11 of 2023 registered under sections 4, 5 and 23 of the Foreign Exchange Regulation Act, 1947 and section 109 P.P.C. at the F.I.A.'s Corporate Crime Circle in Karachi. Earlier, the learned 4th Additional Sessions Judge, Karachi East, acting as a Tribunal under the Foreign Exchange Regulation Act, dismissed the bail application of the applicant on 25.09.2023.

2. F.I.A. received information that Mohammad Raza was engaged in illegal trading of foreign currency. On 05.09.2023, the F.I.A. apprehended Raza while driving a car with the applicant Usama sitting beside him. USD 15,000 were found in the car. The F.I.A. learned that Usama had given Raza Pakistani Rupees and that Raza had obtained the dollars for that amount. Both were arrested.

3. I have heard the learned counsel for the applicant and the learned Assistant Attorney General.

4. F.I.A. appears to have conducted a forensic analysis on the mobile phones of the applicants and recovered WhatsApp conversations between the two applicants. These conversations appear to suggest that the F.I.R.'s

theory that Usama gave the Pakistani Rupees and Raza was instrumental in procuring the foreign currency.

5. The punishment for the offence with which the applicant is charged, although not bailable, carries a potential sentence of up to 5 years and thus falls within the non-prohibitory clause of section 497 Cr.P.C. The investigating officer of the case has informed me that the foreign currency in question has been seized and has been deposited in the State Bank of Pakistan Treasury. The loss to the national exchequer has been redeemed. The act of buying and selling foreign currency has been attributed to Raza. This fact, however, does not absolve the applicant from his liability to not indulge in unlawful and illegal acts. Considering the principles enunciated in *Tariq Bashir and 5 others vs The State (PLD 1995 SC 34)*, I do not find any exceptional or extraordinary grounds to deny the applicant bail. The learned trial court at trial will determine the culpability or otherwise of the applicant. It would be reasonable, however, to enhance the surety to deter the applicant from harbouring any further desires to purchase foreign currency on the black market.

6. The applicant is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs. 1 million and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE