

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr.B.A.No.1968 of 2024

Muhammad Anwar.....Applicant

Vs.

The StateRespondent

1. For orders on office objection at "A"
2. For hearing of bail application

29.10.2024

Mr. Zameer Ahmed Bhutto, advocate for the applicant a/w
Muhammad Imran Bhutto, Advocate.

Mr. Gul Faraz Khan, Assistant Attorney General a/w I.O. Shagufta
Akbar Sub-Inspector.

ORDER

Muhammad Iqbal Kalhoro, J:- As per facts of the case, against applicant a predicate offence FIR No.19/2023, FIA Anti-Corruption circle, Karachi under sections 5(2) PCA 1997 read with Section 156(8)(89) of Customs Act, 1969 read with section 109 of the PPC, 1860 was registered on the allegations of smuggling of betel nuts. In the investigation whereof, 164 Cr.P.C. statement of Imran Yousuf Noorani was recorded, in which he has levelled smuggling of betel nuts against the applicant and others and that he has acquired so many properties beyond his sources of income. On the basis of such statement present FIR against the applicant under section 3/4 of Anti-Money Laundering Act, 2010 has been registered and he has been arrested.

2. During arguments, learned counsel in defence has submitted that main accused Imran Yousuf Noorani has been granted bail by the Supreme Court; applicant has been arrested on the basis of his statement. All the properties discovered during investigation have already declared by the applicant in Amnesty Scheme of 2017/2018, the offence is punishable maximum for ten years and does not fall within prohibitory clause.

3. On the other hand learned Assistant Attorney General and I.O. of the case have opposed the bail.

4. It is admitted that so far only interim challan has been filed although the applicant was arrested on 11.08.2024 almost more than two months ago It is not disputed by the I.O. that all the properties alleged to have been accumulated by the applicant from illegal source of income have been declared by him in the Amnesty Scheme introduced by the Government and are a part of his wealth statement since 2017. Out of the identified properties, four immovable properties and so also one vehicle have already been attached. Applicant is no more required for further investigation and the accused Imran Yousuf Noorani on the basis of whose statement the applicant has been booked in this case has already been granted bail by the Supreme Court. Despite lapse of more than two months of arrest of applicant on 11.08.2024. The I.O. has failed to submit the final challan so far. The entire case is based on documentary evidence and the offence does not fall in prohibitory clause u/s 497(i) Cr.P.C.

5. In the facts and circumstances, this bail application is allowed and the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rupees One Million (Rs.1,000,000/-and P.R. bond to the satisfaction of the learned trial Court.

6. The observations made here in above are tentative in nature and shall not prejudice right of the parties before the trial Court.

JUDGE