

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Khalid Hussain Shahni

Cr. B.A. No.2598 of 2026

(Jhanwar vs. The State)

Cr. B.A. No.2599 of 2026

(Jamuk Khan vs. The State)

Cr. B.A. No.2600 of 2026

(Ali Jan vs. The State)

Cr. B.A. No.2601 of 2026

(Niaz vs. The State)

For hearing of bail application

Date of hearing

& order **16.09.2026**

M/s. Muntazir Hussain Mangi and Yasmeen Noorani advocate for applicants

Mr. Muhammad Ali Noonari, DPG

O R D E R

Muhammad Iqbal Kalhoro, J:- Applicants are seeking post arrest bail in four cases bearing Crime No.24/2026, u/s 4/5/6 Explosive Substance Act, r/w section 7 ATA, 1997, Crime No.25/2026, u/s 4/5/6 Explosive Substance Act, r/w section 7 ATA, 1997, Crime No.26/2026, u/s 23(i)-A, Sindh Arms Act, 2013, and Crime No.27/2026, u/s 23(i)-A, Sindh Arms Act, 2013, registered at Police Station CTD, Karachi, by means of these applications.

2. As per brief facts, on 20.03.2026, applicants were arrested by a team of CTD Karachi, headed by Inspector Zafar Abbas from Bhens Colony, Railway Pathak, near Jumma Goth Railway Station, Karachi, on spy information, when from each one of them different arms and explosives were recovered. From applicants Jhanwar and Jamukh Khan allegedly, an IED containing four dead card loops, two electric detonators, electric wire, a remote control, a battery and tap roll were recovered, whereas from applicants Niaz Ali and Ali Jan, a 30 bore pistol and a 9mm pistol were respectively recovered. Hence, they were booked in all those four cases.

3. Applicants' counsel has pleaded for bail on the ground that co-accused Noor Muhammad, from whom an unlicensed pistol was recovered, has been granted bail by this Court vide order dated 03.07.2026 in Cr. B.A. No.1701/2026. He further submits that some of the applicants were taken away by unknown law enforcement personnel much prior to the registration of FIR, regarding which applications u/s 22-A & B Cr.PC, were filed before the relevant Courts, as well as applications were sent to different police authorities. He has filed certified copies thereof in support of his arguments.

He further submits that the allegation against applicants as terrorists needs to be evaluated in the trial, as there is no record showing any criminal history of the applicants.

4. On the other hand, learned DPG has opposed bail.

5. We have, however, seen that co-accused Noor Muhammad, who was arrested along with the applicants, has been granted bail. Learned DPG has tried to distinguish his case by saying that from him only a pistol was recovered. But this ground is not relevant at the bail stage because, allegedly, all the accused were arrested jointly under a joint mashirnama from the same place, where they were present allegedly with a common intention. Therefore, mere possession of an individual item by an accused would not place him in a different category unless after evidence such determination is made by the trial Court. *Prima facie*, they all would be seen responsible jointly for each and every incriminating article found there, regardless of its possession by any of the accused.

6. Hence, admittedly, when a co-accused, who was arrested along with the applicants and from whom an unlicensed weapon was also recovered, has been granted bail by this Court, and the said order has not been turned down by the Supreme Court. We are of the view that the rule of consistency is applicable. Additionally, since prosecution, *prima facie*, lacks any evidence establishing credentials of the applicants as terrorists and it is yet to be established in the trial. We find the applicant entitled to grant of bail.

7. Consequently, these four bail applications are allowed and applicants are granted bail subject to their furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand only) each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

8. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

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

JUDGE

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