

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1352 of 2026

Applicant : Muhammad Nadeem Sadiq,
Through M/s. Muhammad Nadeem
Qureshi and Shahroze Nadeem,
advocates

Complainant : Customs Department, Through:
Barrister Haad Abid, Advocate

The State : The State through Mr. Muhammad
Mohsin Mangi, Asstt: Prosecutor
General, Sindh

Date of hearing : 10.06.2026

Date of Order : 17.06.2026

ORDER

Jan Ali Junejo, J:-- The applicant, Muhammad Nadeem Sadiq, has sought post-arrest bail in Crime No.73 of 2026 registered at Police Station Bin Qasim, for an offence punishable under Section 23(1)(b) of the Sindh Arms Act, 2013. The applicant earlier filed Criminal Bail Application No.2236 of 2026, which was dismissed by the Court of learned IInd Additional Sessions Judge, Malir, Karachi vide Order dated: 28-04-2026.

2. Briefly stated, as per the contents of the FIR, Inspector Aijaz Hussain, Appraising Officer, Collectorate of Customs (Export), Port Qasim, Karachi, informed the police that during investigation of Customs FIR No.26-01/2025, a container booked by M/s White Food Industries for export to Yemen was physically examined at QICT Port Qasim. Upon examination, parts of firearms, including pistol upper catches, barrels and springs, allegedly concealed in bicycles and door locks packed in cartons, were recovered. It was alleged that the applicant along with co-accused persons, attempted

to export the concealed firearm components abroad without lawful authority. Consequently, the present FIR was registered on 13.02.2026 under Section 23(1)(b) of the Sindh Arms Act, 2013.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in the present case. He argued that the FIR has been registered after an unexplained delay of more than five months from the alleged occurrence dated 03.09.2025, thereby rendering the prosecution case doubtful. He further submitted that the present case is a direct offshoot of an earlier Customs case. According to learned counsel, no recovery memo, seizure report or inventory of the alleged case property has been produced; no independent witness has been associated with the alleged recovery; and despite registration of the FIR on 13.02.2026, the Investigating Officer failed to submit any challan or interim report within the period prescribed under Section 173 Cr.P.C. Learned counsel further argued that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., that the prosecution evidence suffers from serious infirmities requiring further inquiry within the meaning of Section 497(2) Cr.P.C., and prayed that the applicant be admitted to bail. The learned counsel has relied upon the case laws i.e. 2015 PTD 668, PLD 2017 Supreme Court 733, PLD 2025 Peshawar 50, Order dated: 11-02-2025 in Special Criminal Bail Application No.13 of 2025, Judgment in C.P. No.D-4151 of 2020 M/s. Popular Juice Industries (Pvt.) Ltd. and others v. Federation of Pakistan through Chairman Federal Board of Revenue and others.

4. Conversely, learned counsel for the complainant vehemently opposed the bail application and submitted that the applicant is the principal beneficiary and mastermind behind the export consignment from which a large quantity of firearm components was allegedly recovered. He argued that the weapons parts were deliberately concealed in export goods for shipment abroad and that the applicant's role is specifically reflected in the material collected during investigation. Learned counsel maintained that the offence is of serious nature affecting public safety and national interest and that sufficient incriminating material is available on record connecting the applicant with the commission of the offence. He, therefore, prayed for dismissal of the bail application.

5. Learned A.P.G., adopting the arguments advanced on behalf of the complainant, opposed the grant of bail and submitted that the applicant has been nominated with a specific role. He contended that the prosecution has collected material linking the applicant with the booking of the container and concealment of firearm parts therein. According to the learned A.P.G., the investigation is still in progress and the material available on record prima facie connects the applicant with the commission of the offence. He accordingly requested that the bail application be dismissed.

6. I have considered the arguments advanced by the learned counsel for the parties and have carefully examined the material available before this Court. The record reflects that the present case did not originate from a routine police recovery. Rather, it arose out of a physical examination conducted by the Collectorate of Customs

(Exports), Port Muhammad Bin Qasim, Karachi, during scrutiny of export Container booked by M/s White Food Industries, of which the present applicant is alleged to be the proprietor. The Customs authorities, during physical examination of the container on 03.09.2025, found that the goods declared in the Goods Declaration as Hero Bicycle Avenger bicycles, door locks and steel springs were materially different from the goods actually discovered inside the container.

7. The seizure notice issued reveals that concealed within the bicycles and door locks packed for export, the Customs authorities recovered firearm components comprising 784 pistol upper slides, 750 pistol barrels, 1,000 pistol springs and 300 pistol magazine pockets. The concealment of such a huge quantity of firearm components within ordinary commercial goods prima facie demonstrates a deliberate attempt to disguise the true nature of the consignment.

8. The prosecution case further alleges that the said container was intended to be exported to Yemen, and that the applicant, being associated with the exporting concern, participated in arranging and dispatching the consignment. The quantity of weapon parts allegedly recovered is extraordinarily large and cannot, at least tentatively, be equated with a case involving mere personal possession of a weapon. The allegations pertain to organized concealment and attempted export of hundreds of firearm components through an international shipment, thereby imparting

seriousness to the accusation and extending its impact beyond an individual offence.

9. Particular significance attaches to the report of the Forensic Division, Sindh, Karachi, dated 15.04.2026. The ballistic experts examined the articles recovered from the container and rendered a positive opinion. The relevant portion of the examination report reads as under:

“Seven hundred and fifty barrels are the barrels of 9mm bore pistol.

Seven hundred and eighty four slides are the slides of pistol.

Seven hundred and ninety seven springs are the recoil springs of pistol.

Two hundred and three springs are the springs of magazine of pistol.”

The above findings of the forensic experts prima facie corroborate the prosecution case that the articles recovered from the container were in fact firearm components and not ordinary commercial goods. At the bail stage, such expert opinion constitutes relevant incriminating material connecting the recovered articles with the offence alleged.

10. The contention of learned counsel for the applicant regarding delay in registration of the FIR has been duly considered. However, the record shows that the matter initially surfaced during customs proceedings, where examination, seizure, documentation, investigation and inter-departmental correspondence were undertaken before the information was transmitted to the police for registration of the present case. Whether the delay stands

satisfactorily explained or otherwise is a matter requiring evidence and can more appropriately be adjudicated upon at trial. At this stage, the delay alone is insufficient to outweigh the substantial incriminating material available on record.

11. Likewise, the argument that the case is one of further inquiry does not appear to carry force at this stage. The recovery was not allegedly effected from an unknown source; rather, the prosecution has placed on record documentary evidence showing seizure of concealed firearm parts from a container allegedly booked through the exporting concern connected with the applicant. The recovered articles have subsequently been subjected to forensic examination and have been opined to be genuine parts of 9mm pistols. These circumstances provide reasonable grounds for believing, tentatively, that the applicant is connected with the commission of the offence alleged.

12. That at this stage, the Court is only required to tentatively assess whether reasonable grounds exist connecting the accused with the offence and not to conduct a deeper appreciation of evidence.

13. The offence alleged under Section 23(1)(b) of the Sindh Arms Act, 2013 is punishable with imprisonment extending up to ten years and, therefore, falls within the prohibitory clause of Section 497, Cr.P.C. Consequently, the applicant is not entitled to the concession of bail as a matter of right unless it is shown that the case falls within the ambit of further inquiry as contemplated by Section 497(2), Cr.P.C.

14. Considering the totality of the circumstances, particularly the recovery of 784 pistol slides, 750 pistol barrels, 1,000 pistol springs and 300 magazine pockets concealed inside export goods, the alleged attempt to export such firearm components to Yemen, the documentary record generated by the Customs authorities, and the positive forensic report confirming that the recovered articles are parts of 9mm pistols, I am of the tentative view that sufficient material exists connecting the applicant with the commission of the offence. At this stage, the case does not call for further inquiry within the meaning of Section 497(2), Cr.P.C. The case law relied upon by the learned counsel for the applicant is clearly distinguishable on facts and circumstances and, therefore, does not advance the case of the applicant or lend support to the contentions raised on his behalf.

15. For the reasons discussed hereinabove, I am not persuaded to hold that the applicant has made out a case for the grant of post-arrest bail. Consequently, the instant bail application, being devoid of merit, is dismissed. It is, however, clarified that the observations made herein are purely tentative in nature, confined to the disposal of the present bail application, and shall not influence or prejudice the learned trial Court, which shall decide the case strictly on the basis of the evidence adduced before it and in accordance with law.

JUDGE