

THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Appl. No. 49 of 2026

[Muhammad Khan versus The State]

Applicant : Muhammad Khan son of Abdul Samad through Ms. Benish Fatima, Advocate.

Respondent/State : Mr. Khalid Mehmood Rajpar, Advocate/Special Prosecutor.

Date of hearing : 20-07-2026

Date of decision : 20-07-2026

*FIR No. ASO-200/2026
u/s: 2(s), 16, 17, 178 & 187 of Customs Act, 1969
Punishable under Clauses 8(e)(1) & 89 of S. 156(1)
read with Section 156(2) & 157(2) of Act ibid
P.S. Collectorate of Customs Enforcement*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant seeks post-arrest bail in the aforesaid crime after the same has been declined by the Special Judge (Customs, Taxation & Anti-Smuggling-II), Karachi by order dated 18-03-2026.

2. The FIR was lodged on 04-03-2026. It was reported that on 03.03.2026, upon a tip received by the Anti-Smuggling Unit of the Customs, a Toyota Fortuner driven by the Applicant, was intercepted near Gulbai Flyover, Maripur Road, Karachi, and was escorted to a CPF warehouse where it was examined. The search revealed that secret cavities had been engineered behind the headlights, front and rear bumpers, trunk and door panels of the vehicles; that within those cavities were concealed packets containing 800 mobile phones of various brands; that IMEI numbers of some of the mobile phones were randomly checked through the PTA online verification system and were found to be unregistered, thus reinforcing the suspicion that the mobiles phones had been smuggled into Pakistan through an unauthorized route. The mobile phones and the vehicle were thus

seized; the Applicant was arrested and booked for the offence of smuggling, defined in section 2(s) and punishable under clauses 8(i)(e) and 89 of section 156(1) of the Customs Act, 1969. The value of the seized mobile phones along with the evaded duty and taxes, is estimated at Rs. 74,643,266/-.

3. Heard learned counsel and perused the record.

4. It is contended by learned counsel for the Applicant that he was hired merely to drive the vehicle from Quetta to Karachi, having no knowledge of mobile phones concealed within the vehicle in secret cavities. As per the investigation report, the vehicle is not registered to the Applicant, in fact, it is registered to Ms. Mary Peter, who has not joined the investigation. During interrogation, the Applicant disclosed the name and contact of one Khan Kakar as the person who hired him at Quetta to drive the vehicle to Karachi for delivery to one Muhammad Ayyaz Panizai at a location in Gulshan-i-Iqbal. Both Khan Kakar and Muhammad Ayyaz Panizai have yet to be traced for investigation. Given these facts, the Applicant's contention that he was unaware of mobile phones concealed in secret cavities of the vehicle, cannot be ruled at this stage.

5. Learned Special Prosecutor submits that the Applicant is a habitual offender, in that he is also arrayed as an accused person for a similar offence in FIR No. 109/2025. On the other hand, learned counsel for the Applicant submits that he was not nominated in that FIR, rather he and his brother were subsequently implicated in the challan submitted in that case. Be that as it may, since FIR No. 109/2025 and the challan submitted therein have not been placed before this Court, it would not be safe to rely on the same for purposes of this bail application.

6. In the case of *Noorul v. The State* (1976 SCMR 190), the Supreme Court granted bail to hired crew of a boat used in smuggling by observing that the offence committed by paid servants was not at *par*

with the offence committed by the boat's owner who had yet to be brought to trial. On the same analogy, bail was granted by the Supreme Court to persons found to mere carriers of smuggled goods in *Ghazi Shah v. The State* (1983 SCMR 727). More recently, in *Attaullah v. The State* (2024 SCMR 1210), the Supreme Court granted bail to a person acting as pilot for the vehicle transporting pilfered petroleum by observing that the question whether he had common intention with the principal accused to commit the offence of smuggling, required evidence. Given the role of the Applicant in the alleged smuggling, he seems to be placed in similar mitigating circumstances.

7. Therefore, the case against the Applicant requires further enquiry into his guilt, thus falling within the ambit of sub-section (2) of section 497 CrPC.

8. In view of the foregoing, the Applicant Muhammad Khan son of Abdul Samad is granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 200,000/- [Rupees Two Hundred Thousand only] alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations herein are tentative, and should not be construed to prejudice the case of either side at trial.

JUDGE

Karachi

Dated: 20-07-2026

SHABAN*