

THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Application No.S-168 of 2026

Applicant : Jameel Ahmed son of Atta Muhammad
through Mr. Zafar Ali Laghari,
Advocate

Special Criminal Bail Application No.S-161 of 2026

Applicant : Shoqeen son of Muhammad Ayoub
through Mr. Abid Mehmood Arain,
Advocate

Special Criminal Bail Application No.S-155 of 2026

Applicant : Mumtaz Ali son of Niaz Muhammad
through M/s. Mallag Assa Dashti,
Abdullah Baloch and latif Mengal,
Advocates

Special Criminal Bail Application No.S-154 of 2026

Applicant : Imran Ali son of Qurban Ali through
Mr. Najeebullah Shar, Advocate,
Advocate

Respondent : The State through Mr. R.D. Kalhoro,
Assistant Attorney General, Pakistan
along with Investigating Officer/
SI-Babar Ali

Date of Hearing : 07.09.2026

Date of Decision : 30.09.2026

ORDER

Jan Ali Junejo, J.- By this common Order, I propose to decide Special Criminal Bail Application No.168 of 2026, filed by Applicant-Jameel Ahmed son of Atta Muhammad, Special Criminal Bail Application No.161 of 2026, filed by Applicant-Shoqeen son of Muhammad Ayub, Special Criminal Bail Application No.155 of 2026, filed by Applicant-Mumtaz Ali son of Niaz Muhammad and Special Criminal Bail Application No.154 of 2026, filed by Applicant-Imran Ali son of Qurban Ali. All the Applicants seek post-arrest bail in a case arising out of FIR No.CC-SBNA(ACC)-14/26, registered at Police Station Composite Circle, Shaheed Benazirabad, for offence punishable under Section 156(8), (89) of Customs Act read with Section 161, 34 and 109 PPC. Their earlier bail applications were dismissed by the learned Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi *vide* Order dated 15.07.2026.

2. Brief facts of the case, as alleged in the FIR are that a credible source and spy information was received by the Complainant agency to the effect that one Ghulam Sarwar son of Sahib Dino (CNIC No.43105-2522410-1), serving as Junior Clerk/ Accountant in SSP Office Sanghar, in active connivance with officials of District Police Sanghar, was operating an organized criminal network for the smuggling distribution, and delivery of Indian-origin Gutka in lieu of illegal gratification and huge bribes for himself and other officials, while also facilitating smugglers and drug retailers in a systematic and organized manner. Furthermore, said Ghulam Sarwar was the key smuggler and mastermind of the network, who used to transport Indian-origin Gutka from bordering areas and distribute the same through his front men and handlers, namely Rana Ghulam Mohiuddin Babar son of Ashique Ali and Jameel Ahmed son of Sahib Dino, alongwith other associates, who were actively involved in organized illegal activities including smuggling and drug peddling, in violation of the provisions of the Customs Act, 1969. The smuggled goods were transported through cars and double cabin vehicles from border areas to District Sanghar, and safe passage was provided through police check posts, nakas, snap checking points, and nakabandi, with the active support of police officials, in lieu of regular illegal gratification being arranged and distributed by the said Ghulam Sarwar. It is further alleged that upon receipt of such information, a raiding team comprising FIA officials was constituted with due permission of the competent authority, and the team departed on 19-05-2026 at about 1605 hours towards the pointed location. The raiding party reached Sanghar Road near Nawabshah, close to Al-Wahab Restaurant, and on the pointation of the spy source, intercepted two vehicles, namely Toyota Revo (Registration No.SC-2696) and Toyota Grande Corolla (Registration No.CCZ-488), which were reportedly transporting smuggled Indian-origin Gutka. Upon search of the said vehicles, a total of 36 bags of Indian-origin Gutka (Royal King) were recovered, and the occupants of the vehicles, namely, Rana Ghulam Mohiuddin Babar and Jameel Ahmed, were apprehended on the spot. During preliminary inquiry, the accused persons admitted their involvement in smuggling activities and disclosed that they were working for Ghulam Sarwar and his organized network, dealing in smuggled Gutka and other products including Mainpuri Chaliya. It is further alleged that the mobile phones recovered from the accused persons were examined and found to contain incriminating material including call data, voice notes, images, videos, and details of illegal transactions relating to collection and distribution of weekly and monthly bribes among police officials, thereby corroborating their involvement in the organized smuggling network. The

accused persons disclosed that a meeting for distribution of weekly illegal gratification was scheduled at a guest house located in Police Lines Sanghar. On such pointation, a second raid was conducted at the said guest house, where co-accused persons, namely, Ghulam Sarwar, Junior Clerk, PC-Mumtaz Ali, Shokeen, and Imran Ali were found present and were apprehended on the spot. During personal search of the accused persons and search of the premises, a huge amount of cash amounting to Rs.1,79,00,000/- was recovered alongwith bank cards, cheque books, and other financial instruments. It is further alleged that electronic devices including mobile phones, laptops and hard drives were also recovered, which were suspected to contain further incriminating material regarding the illegal activities of the network. It is further alleged that 58 bags of raw material (Mainpuri Chaliya) were recovered from the premises alongwith vehicles and other articles, indicating large-scale involvement in smuggling operations. The documents relating to business entitles, bank accounts, FBR record, insurance files, and property documents including residential plots, agricultural land, lease agreement, and valuation reports were also recovered, suggesting accumulation of assets through illegal means. Handwritten records containing details of distribution and collection of illegal gratification in connection with smuggling of Indian-origin Gutka were also recovered from the possession of the accused persons. All recovered items were taken into possession through proper seizure memos in the presence of witnesses and the accused persons were formally arrested in accordance with law. It is further alleged that the material collected, including recoveries, electronic evidence, and disclosures of the accused persons, prima facie, connects them with an organized network of smuggling of Indian-origin Gutka. Consequently, this FIR was registered against the accused persons. Presently, Applicants/accused are in judicial custody.

3. Learned Counsel for Applicant-Jameel Ahmed contended that the alleged recovered item i.e. Gutka is neither a notified item nor banned under the Import Policy Order and the same is locally manufactured in Pakistan, therefore, no offence under the Customs laws is attracted. He further contended that no forensic nor laboratory report has been produced by the prosecution to establish the alleged foreign origin of the Gutka. He further contended that neither the quantity nor the value of the alleged Gutka has been mentioned in FIR or in the challan, which makes the case of the prosecution doubtful and lacking material particulars. He further contended that the Applicant is not a habitual offender and has no previous involvement in any case of similar nature and has been falsely

implicated in the present case. He further contended that the case does not fall within the ambit of Section 2(s) of the Customs Act, 1969 and even otherwise, the value of the alleged goods does not exceed Rs.500,000/-, hence the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. He further contended that the matter squarely falls within the scope of further inquiry as envisaged under subsection (2) of Section 497 Cr.P.C. Lastly, he contended that the Applicant is entitled to the concession of bail and prayed that he may be granted post arrest bail.

4. Learned Counsel for Applicant-Shokeen contended that nothing recovered from his possession and no specific role has been attributed to him in the alleged offence. He further contended that the Applicant was merely a businessman and has been falsely implicated in the present case. He further contended that the Applicant is a filer of M/s. Rehan Enterprises and is not engaged in any official working connected with the alleged offence. He further contended that the Applicant has no nexus whatsoever with the recovered goods and has been implicated on the basis of mere suspicion. He further contended that even the complete details of the bank accounts or alleged transactions of the Applicant have not been brought on record. He further contended that the investigation, so far as it relates to the present Applicant, is already complete and therefore his further detention is not required for any purpose. He further contended that the Applicant is neither the owner nor the beneficiary of the seized goods. He further contended that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C and, in any case, the matter falls within the ambit of further Inquiry under subsection (2) of Section 497 Cr.P.C. Lastly, he contended that the Applicant is entitled to the concession of ball and prayed that he may be admitted to bail.

5. Learned Counsel for Applicant-Mumtaz All contended that no recovery of contraband whatsoever effected from the personal possession of the Applicant, therefore, no direct evidence is available to connect him with the alleged offence. He further contended that the Applicant belongs to a respectable family and working in police department as police constable and has been falsely implicated in the present case. He further contended that the FIR has been lodged with an unexplained and inordinate delay of about two years, as the alleged occurrence pertains to the year 2024 whereas the FIR has been registered in the year 2026. He further contended that the applicant/accused has served in the police department with honesty and dedication and has maintained an unblemished service record throughout his career. He further contended

that the applicant/ accused has no previous involvement in any case of similar nature. He further contended that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C and, in any case, the matter calls for further Inquiry within the meaning of subsection (2) of Section 497 Cr.P.C. Lastly, he contended that the Applicant is entitled to the concession of bail and prayed that he may be admitted to post arrest bail.

6. Learned Counsel for the Applicant-Imran Ali contended that the Applicant has no nexus whatsoever with the alleged recovered goods and has been roped in without any credible evidence. He further contended that the investigation, so far as it relates to the present Applicant, is already completed and therefore his further detention in custody serves no useful purpose. He further contended that no recovery of any contraband item effected from the possession of Applicant, which is not sufficient to connect him with the alleged offence. He further contended that the Applicant are neither the owners nor the beneficiaries of the seized goods. He further contended that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C and, in any case, the matter calls for further inquiry within the meaning of subsection (2) of Section 497 Cr.P.C. Lastly, he contended that the Applicants are entitled to the concession of bail and prayed that they may be admitted to bail.

7. Conversely, learned Assistant Attorney General, Pakistan assisted by the Investigating officer vehemently opposed the bail applications, and contended that the present case pertains to an organized criminal network involved in large-scale smuggling of Indian-origin Gutka coupled with systematic collection and distribution of illegal gratification. He further contended that the Applicants have been specifically nominated in the FIR and their roles have been clearly delineated in the interim challan, supported by sufficient Incriminating material including recoveries, digital evidence and financial records. He further contended that huge cash amounting to Rs.1,79,00,000/- alongwith electronic devices and documentary evidence was recovered during the raid, which prima facie establishes the existence of an organized syndicate and the active involvement of the Applicants therein. He further contended that the plea of no recovery from personal possession is misconceived, as the case is based upon collective and joint liability arising out of concerted actions of the accused persons within the organized network. He further contended that the digital evidence including call data, messages, and financial transactions, as well as the material extracted from electronic devices, directly connects the Applicants with the commission of the alleged

offence. He further contended that the investigation is still in progress and the final challan is yet to be submitted. He further contended that there is no case of further inquiry and the material available on record is sufficient to reasonably connect the Applicants with the offence. Lastly, he contended that the Applicant are not entitled to the concession of bail and prayed that present bail applications may be dismissed. In support of his contentions, he has placed reliance upon the case law reported as MUHAMMAD ASLAM versus THE STATE [PLD 1992 Supreme Court 254], DAD KHAN versus THE STATE [2022 P Cr.LJ 1371] and MONDAY ERIMA PAUL versus THE STATE and another [2023 YLR 749].

8. I have heard learned Counsel for the Parties at considerable length and have carefully examined the available material on record with their valuable assistance.

9. I have given my anxious consideration to the respective submissions advanced by learned counsel for the Applicants as well as the learned Assistant Attorney General, assisted by the Investigating Officer, and have carefully examined the material available on record.

10. At the bail stage, the Court is required to tentatively assess the material collected by the prosecution without undertaking a deeper appreciation of evidence, which is the function of the trial Court after recording of evidence. In the present case, the prosecution case is not founded merely upon the recovery of the alleged smuggled goods from an individual Applicant, but upon the alleged existence of an organized network engaged in the smuggling and distribution of Indian-origin Gutka and the collection and distribution of illegal gratification, in which the present Applicants are alleged to have played different roles.

11. The record prima facie reflects that, pursuant to specific information, two vehicles were intercepted and 36 bags of alleged Indian-origin Gutka were recovered, resulting in the apprehension of Rana Ghulam Mohiuddin Babar and Applicant Jameel Ahmed. Thereafter, on the pointation of the apprehended accused, a further raid was conducted at a guest house situated at Police Lines, Sanghar, where the other Applicants/co-accused were allegedly found present. From the said premises, a substantial amount of cash amounting to Rs.1,79,00,000/-, along with bank cards, cheque books, other financial instruments, mobile phones, laptops and hard drives equipment, 58 bags of raw material (Mainpuri Chaliya), vehicles and various business, banking, property and financial documents were allegedly recovered. Handwritten records

concerning collection and distribution of illegal gratification were also recovered. These recoveries, when considered collectively at this tentative stage, cannot be brushed aside as inconsequential or wholly disconnected from the allegations contained in the FIR.

12. The contention of learned counsel for Applicant-Jameel Ahmed that the alleged Gutka is locally manufactured and that no forensic or laboratory report has so far established its foreign origin is essentially a matter requiring determination on the basis of evidence. Similarly, the objections regarding the quantity and value of the recovered goods and the applicability of the relevant provisions of the Customs Act involve factual and legal questions which cannot, at this stage, be conclusively determined in favour of the Applicant merely on the basis of the assertions made by learned counsel. The prosecution has alleged recovery of 36 bags of Indian-origin Gutka from the vehicles occupied by the Applicant and co-accused, coupled with the subsequent material allegedly recovered during the second raid. Whether the recovered article ultimately proves to be of foreign origin and whether the ingredients of the offences alleged are established are matters to be determined after completion of investigation and trial.

13. Likewise, the plea of Applicant-Shokeen that nothing was recovered from his personal possession does not, by itself, entitle him to the concession of bail at this stage. The prosecution has specifically alleged his presence at the place where the second raid was conducted and has relied upon the recoveries effected therefrom, along with electronic and documentary material allegedly connecting the accused persons with the said network. Whether the Applicant was merely performing his duties as a driver or was consciously and knowingly participating in the alleged activities is a question that requires appreciation of the evidence and, therefore, cannot be conclusively determined at the bail stage.

14. So far as Applicant-Mumtaz Ali is concerned, the contention that no contraband was recovered from his personal possession is also not, in the circumstances of the present case, sufficient to create a case of further inquiry. The prosecution case attributes his presence at the guest house where the substantial cash, electronic devices, financial instruments, raw material and other documentary material were allegedly recovered. The Applicant's plea regarding his service record, respectable background, absence of previous involvement and alleged disappearance prior to

registration of the FIR are matters which may be urged at the appropriate stage, but these circumstances, by themselves, do not efface the incriminating material presently available against him.

15. As regards Applicant-Imran Ali, the plea that he is neither owner of the vehicle nor beneficiary of the recovered goods, again requires appreciation of the material collected during investigation. The prosecution has placed reliance not only upon the physical recoveries but also upon digital material, financial records and the alleged collective activities of the accused persons. At this tentative stage, it cannot be held that the Applicant has been implicated merely on the basis of suspicion or that the material available against him is altogether insufficient.

16. The common contention raised on behalf of the Applicants that no recovery was effected from their respective personal possession also does not, in the facts and circumstances of the present case, furnish a sufficient ground for grant of bail. The prosecution case is that the Applicants were acting in concert as part of an organized network. Where the prosecution relies upon concerted and coordinated activities, the absence of a particular incriminating article from the personal possession of an individual accused cannot, by itself, be treated as decisive at the bail stage, particularly when other material, including electronic evidence, financial records, documents and the circumstances surrounding the alleged recoveries, is stated to connect the Applicants with the alleged occurrence.

17. The further contention that the investigation, so far as the Applicants are concerned, has been completed and that their continued detention is no longer required also does not, by itself, entitle them to the concession of bail. It is, however, not disputed that the investigation has been completed and the requisite material has been collected by the investigating agency. Nevertheless, the nature and gravity of the allegations, the alleged organized character of the network, the substantial cash recovery, and the electronic devices and financial/documentary material allegedly secured during the investigation are relevant considerations at this stage. The completion of investigation, by itself, does not efface the incriminating material collected during the course thereof or render the allegations against the Applicants inconsequential. Accordingly, the plea that their further detention is unnecessary has to be examined in the context of the nature of the allegations and the material so far collected by the prosecution.

18. The plea that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C. and that the Applicants are, therefore, entitled to bail as a matter of course is also not sufficient. Even where an offence does not fall within the prohibitory clause, grant of bail is not automatic and the Court is still required to examine the nature of the accusation, the material collected during investigation, the tentative assessment of the accused's involvement, the possibility of repetition or interference with the investigation and the other attending circumstances. In the present matter, the material presently available, when examined in its entirety, provides reasonable grounds for tentative connection of the Applicants with the alleged offences and does not make out a case falling within the scope of further inquiry under Section 497(2) Cr.P.C.

19. The assertion that the Applicants have been falsely implicated is a plea of defence which requires determination upon evidence. At this stage, the Court cannot discard the prosecution material merely because an alternative explanation has been offered by the Applicants. The alleged recoveries, the circumstances in which the accused persons were apprehended, the electronic devices and financial documents recovered during the raids, and the material allegedly connecting the accused persons with the collection and distribution of illegal gratification constitute circumstances which, at least tentatively, require the Applicants to face the investigation and trial.

20. It is also significant that the earlier bail applications of the Applicants were dismissed by the learned Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi, vide order dated 15.07.2026. No substantial change in circumstances has been demonstrated before this Court which would justify taking a different view at this stage. The subsequent material referred to by the prosecution, rather than eliminating the incriminating circumstances, continues to require examination during the course of investigation and trial.

21. For the foregoing reasons, I am of the tentative view that the prosecution has collected sufficient material connecting the present Applicants with the alleged offences, whereas the grounds urged by counsels on their behalf do not, at this stage, bring their case within the ambit of further inquiry as contemplated by Section 497(2) Cr.P.C. The questions relating to the foreign origin and nature of the recovered goods, their valuation, the respective roles of the Applicants, the authenticity and

evidentiary worth of the electronic and documentary material, and the ultimate liability of each accused are matters to be determined by the trial Court after recording and appreciating the evidence. At this stage, the material available on record cannot be held insufficient to justify the continued custody of the Applicants.

22. Consequently, finding no sufficient ground for extending the concession of post-arrest bail to the Applicants, the instant Special Criminal Bail Applications Nos.168, 161, 155 and 154 of 2026, filed by Jameel Ahmed, Shokeen, Mumtaz Ali and Imran Ali respectively, are dismissed. The observations made herein are tentative in nature and shall not prejudice the Applicants or influence the learned trial Court in deciding the case on its own merits after recording and appreciating the evidence in accordance with law.

JUDGE

Qurban