

# THE HIGH COURT OF SINDH KARACHI

## Spl. Cr. Bail Application No. 74 of 2025

### For hearing of Bail Application.

Applicant/ Accused : Haris Khokhar son of Abdullah Khokhar through Mr. Obaydullah Mirza, Advocate.

The State : Through Mr. Ashiq Ali Anwar Rana, Special Prosecutor Customs alongwith I.O, who is present in Court.

Date of hearing : 27-03-2025

Date of order : 27-03-2025

*FIR No. 03/2025-R&D (East)  
under clause 9, 14, of S. 156 of the Customs Act, 1969  
r/w Clause (5) of the STA, 1990 & S. 148  
of Income Tax Ordinance, 2001.*

## 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) by order dated 06-03-2025.

2. FIR lodged on 15-02-2025 was that on a tip-off the Collector of Customs Appraisement (East) examined a container that was declared to contain auto-parts imported from the UAE. The examination revealed that quantities and weight of the auto parts were substantially mis-declared, and that the container included undeclared items as well as items restricted under the Import Policy Order. The importer, Zahoor Elahi of Peshawar was booked for the offence of misdeclaration under section 32(1)&(2) of the Customs Act, 1969 punishable under clause 14 of section 156(1) of said Act for attempting to evade customs duty and taxes over Rs. 24 million.

3. The Applicant was arrested on 15-02-2025 and implicated in the interim challan when he appeared at the terminal to make arrangements for the grounding and examination of the container on an authority letter issued by M/s. Best Friend Cargo Services. However, upon interrogation he disclosed that he was an employee

of one Bilal Altaf, who in turn had been requested by the importer for making arrangements for the grounding of the container.

4. Heard learned counsel and the Special Prosecutor Customs.

5. The interim challan records that the importer, Zahoor Elahi had acknowledged that he had hired the Applicant "*through a known person just to obtain information regarding grounding of the container....*". Therefore, it appears that the Applicant was hired merely to follow-up the examination of the container and had nothing to do with the import of the container. There is nothing to show that the Applicant had made, signed or delivered any document to an officer of customs for the purposes of importing or clearing the container/goods. Learned Special Prosecutor submits that the Applicant had mis-used the authority letter of M/s. Best Friend Cargo Services who had no nexus with the container. But even so, that authority letter was used only to hold-out that the Applicant was authorized to be present at the examination, nothing more.

6. In view of the foregoing, it does not appear that the act of the Applicant could be called a mis-declaration within the purview of sub-section (1) or (2) of section 32 of the Customs Act, 1969. In any case, the offence alleged against him does not fall within the prohibitory clause of section 497 CrPC.

7. For the foregoing reasons, the Applicant Haris Khokar is granted post-arrest bail in FIR No. 03/2025-R&D (East) subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand Only only) and P.R. Bond in like amount to the satisfaction of the trial court.

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

**JUDGE**

SHABAN\*