

IN THE HIGH COURT OF SINDH AT KARACHI

Spl. CrI. Bail Application No. 144 of 2025

Applicant : Atta Muhammad
through Mr. Muhammad Azmat
Tareen, Advocate

Respondent : The State
through Mr. Ashiq Ali Anwar Rana,
Special Prosecutor Customs

Date of hearing : 04.06.2025

Date of Order : 05.06.2025

ORDER

Omar Sial, J: On 30.03.2025, Pakistan Customs received spy information that gutka of Indian origin would be smuggled in a Suzuki Alto car. They reached the identified spot and soon saw the suspect vehicle. It was signaled to stop, but the car opted to speed away. In its attempt to escape, the vehicle somersaulted and was seized by the Customs officials. Gutka was found in the car. The prosecution's case is that about fifty persons on 27 to 28 motorcycles came to the spot and assaulted the Customs officials, thereby injuring three officials. The mob also took away with them the Gutka in the car. Kashif Ali led the mob. It was further alleged that Kashif Ali, along with his brother Asif and Fazal Karim, then came to the hospital and beat the Customs officials again. F.I.R.No.ASQ-Misc-28/2025-(HQ) was registered against Kashif Ali, Asif, Fazal Karim, and fifty others.

2. It is a matter of record that Kashif, the main accused in the case, was granted bail by the learned Special Judge (Customs, Taxation and Anti-Smuggling) on 17.05.2025. The applicant was arrested later as one of the members of the mob. Learned Special Prosecutor could not explain why the applicant should not get the same concession as the main accused,

Kashif, on the grounds of consistency. The learned trial court in the impugned order has observed that the present applicant was named as a member of the mob by Kashif Ali. It seems odd that the main culprit is released on bail, but bail is denied to the person the main culprit named. Another reason the learned trial court gives to deny bail is that the applicant's mobile phone reveals his involvement. Learned Special Prosecutor Customs has, however, been unable to show us any such evidence, a forensic report of the phone, or a transcript of what was contained on the phone.

3. Given the above, the applicant, on grounds of consistency, is admitted to post-arrest bail against a surety of Rs. 300,000 and a P.R. Bond in the like amount to the satisfaction of the Nazir of this Court.

JUDGE