

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Special Customs Reference Application 208 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

- 1. For orders on office objection 26.
- 2. For hearing of Main Case.
- 3. For hearing of CMA 2595/2025.

17.12.2025

Sardar Zafar Hussain, advocate for the applicant.

Following questions of law are proposed for determination:

- 1. Whether the learned Customs Appellate Tribunal has erred in law by releasing of three smuggled sports/ heavy bikes to the respondent who failed to establish locus standi in accordance with law?
- 2. Whether in the facts and circumstances of the case, the Customs Appellate Tribunal while deciding the controversy applied the judicial mind?
- 3. Whether the smuggled goods can be released to its owner(s) without being called in question the order-in-original dated 13.02.2025 to seek statutory remedy provided for by the provisions of section 194-A of the Customs Act, 1969?
- 4. Whether the Customs Appellate Tribunal Karachi has rightly justified release of three sports/heavy bikes without establishing that these bikes were legally imported into the country and all leviable duty and taxes have been paid in accordance with law?

Notice was issued on 03.12.2025 and TCs tracking receipt has been placed on record to demonstrate that service has been effected. Learned counsel draws attention to the Paragraph 18 of the impugned judgment, which reads as follows:

“Further, in order to avoid miscarriage of justice, it has been sifted out that there are some verifiable documents of three bikes mentioned at Serial No. 16, 18 and 37 of the impugned Order-in-Original. Documents of three bikes should be given due consideration. It is also obvious as per documents attached with this appeal that the present appellant is not the of these three bikes are ascribed to the different persons. So far as, in the instant appeal, none of them is as an appellant. It is, therefore, veracity of all these documents must be necessarily confirmed. If the veracity is confirmed then these only three impugned bikes could be released to the lawful respective owners. Hence, these three bikes mentioned at Serial No. 16, 18 and 37 of the impugned Order-in-Original shall be released to the lawful

owners subject to prior proper verification of each and every documents as well as ownership. The impugned Order-in-Original is modified accordingly. Appeal is disposed of in above terms with no order as to cost.”

Learned counsel states that without determination of *locus standi* or entitlement, no rights can be crystalized in favour of any party. He states that learned Tribunal has made error in ordering the release of items without any determination as to substance of any right therein of any party or otherwise. He states that under such circumstances, it may be just and proper to set-aside the impugned judgment and remand the matter back to Adjudicating Officer for adjudication afresh since no person had ever appeared before Adjudicating Officer first. Order accordingly.

A copy of this decision may also be sent under the seal of this Court and the signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

M. Khan