

IN THE HIGH COURT OF SINDH AT KARACHI.**Cr. Bail Application No.345 of 2026.**

Applicant Miss Muna Senan Haider through
Mr. Iftikhar Ahmed Shah, Advocate

Cr. Bail Application No.3452 of 2025

Applicant : Saleem Raza through Mr. Muhammad
Farooq, Advocate.

Cr. Bail Application No.3459 of 2025

Applicant : Muhammad Taqi Jawwad
through Syed Muhammad Abbas Haider,
Advocate.

Cr. Bail Application No.3467 of 2025

Applicant : Abid Gul through Mr. Kausar Ali Shar,
Advocate.

Cr. Bail Application No.3505 of 2025

Applicant : Naveed Khan through M/s. Naveed
Ahmed & Imdad Ali Saheto, Advocates.

Respondents : The State through Mr. Mumtaz Ali Shah,
Asstt. P. G. Sindh & Mr. Haad Abid,
Advocate.

Date of hearing : 03.03.2026.

Date of announcement
of order : 20.04.2026.

ORDER

TASNEEM SULTANA, J:- Through this common order, I propose to dispose of Criminal Bail Application No.(s) 345 of 2026, 3452 of 2025, 3467 of 2025 and 3505 of 2025 filed by Miss Muna Senan Haider, Saleem Raza, Abid Gul and Naveed Khan, respectively, and Criminal Bail Application No.3459 of 2025 filed by Muhammad Taqi Jawwad, arising out of FIR No. 473 of 2025 registered at Police Station Jackson, Karachi, under Sections 23(1)(a), 23(1)(bb), 23(1)(bbb), 23(d)and 32 of the Sindh Arms Act, 2013. Criminal Bail Application No.3459 of 2025 pertains to pre-arrest bail, whereas the remaining applications relate to post-arrest bail. The post-

arrest bail applications were declined by the learned 2nd Additional Sessions Judge-II, Karachi, West, in Criminal Bail Application No.367 of 2026 and connected matters vide order dated 21.01.2026; the bail application of Abid Gul was earlier declined by the same Court vide order dated 13.12.2025 in Criminal Bail Application No.6070 of 2025; and the bail application of Mst. Muna Senan Haider was declined by the learned Additional Sessions Judge-II, Karachi West vide order dated 23.01.2026. The pre-arrest bail application of Muhammad Taqi Jawwad was declined by the learned Additional Sessions Judge-II, Karachi, West, vide order dated 13.12.2025 in Criminal Bail Application No. 6011 of 2025; hence, these applications for the same concession.

2. Brief facts, as set out in the FIR, are that on 24.10.2025, Inspector Owais son of Zulfiqar Ali Sheikh, posted as Appraising Officer at the Collectorate of Customs, Karachi, and investigating FIR No. 03/2025 registered under Sections 2(s), 15, 16, 32(1) and 209 of the Customs Act, 1969, moved an application for registration present case. It was reported that on 04.03.2025, a Customs team intercepted a container at K.G.T.L West Wharf, Karachi, which had been declared to contain washing machines for export. During the course of physical examination of the said container, it was revealed that prohibited weapons had been tactfully concealed inside the washing machines, as a result whereof 08 M4 rifles and 02 SMG guns were recovered. The accused persons present failed to produce any valid licence or permit for the said weapons, and it was alleged that the same were being smuggled outside Pakistan. It was further alleged that the said activity was carried out by an organized international gang in collusion with local facilitators. In this regard, the following persons were nominated: (1) Saleem Raza, (2) Amal Jan , (3) Abbas Khan , (4) Essa Tahir, Yemeni national (Passport No. 10623627), (5) Abdul Moeen, Yemeni national (Passport No. 10982029), (6) Ammar, Yemeni national (Passport No. 13536604), (7) Yasir, Yemeni national (Passport No. 09911970), (8) Abid Ashwal, Yemeni national (Passport No. 12865644), (9) Faiz, Yemeni national (Passport No. 09955113), (10) Abdullah , (11) Naveed , (12) Shah Jehan , (13) Siddique, (14) Shaheen s/o Sher Muhammad, (15) Abid Gul s/o Habib Gul, (16) Mona Senan Haider, Yemeni national (Passport No. 107544986), (17) Muhammad Taqi Jawwad , (18) Yusuf Abdul Salam, Yemeni national (Passport No. 03351535), (19) Ismail Baloch , (20) Saif-ul-Ameen, (21) Shahzaib Khan , (22) Luqman, (23) Ilyas, (24) Habib , (25) Huzaifa, (26) Ismail Qazi, Yemeni national, (27) Ahmed Faraz , along with other unknown persons. It was alleged that all the said accused persons

were involved in illegal possession and attempted export of prohibited weapons, for which action was sought under Sections 23(1)(A), 23(1)(BB) and 23(1)(BBB) of the Sindh Arms Act, 2013, whereafter the instant FIR was registered.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case; that no recovery of any weapon has been effected from their personal possession; that their names have surfaced during the course of investigation primarily on the basis of statements of co-accused persons; that no specific role of possession, concealment, transportation or handling of the alleged weapons has been attributed to them; that the case of applicant Abid Gul is confined to the extent of acting as a translator between foreign and local persons, which, by itself, does not constitute an offence; that applicant Muhammad Taqi Jawwad, being a licensed clearing agent, processed the export documentation in the ordinary course of his professional duties and no material has been brought on record to demonstrate that he had any nexus with or knowledge of the alleged concealment of weapons; that applicant Saleem Raza, though shown as exporter, has been implicated on account of his status alone, without any material indicating conscious involvement in the alleged offence; that applicant Mst. Mona Senan Haider was not nominated in the original FIR and her name surfaced subsequently during investigation without any direct incriminating material; that no independent corroboration is available to support the statements of co-accused persons; that the alleged electronic and financial evidence is still under process and has not matured into admissible or conclusive material; that the investigation has been completed and challans have been submitted, therefore, further detention of the applicants is not warranted; that FIR No.473 of 2025 arises out of the same occurrence for which FIR No. 03 of 2025 had already been registered under the Customs Act, 1969 read with Sections 5 and 6 of the Arms Act, 1878; that initiation of subsequent proceedings on the same set of facts attracts the principle embodied in Section 26 of the General Clauses Act as well as Section 403 Cr.P.C. and amounts to duplication of proceedings; that the case of the applicants is distinguishable on facts and no material has been brought on record to show their conscious involvement in the alleged offence; that in the case of applicant Muhammad Taqi Jawwad, no mala fide, ulterior motive or abuse of process has been alleged so as to justify refusal of pre-arrest bail; and that some of the co-accused have already been granted bail, therefore, the rule of consistency is also attracted; hence, the applicants are

entitled to the concession of bail; in support of the above contentions, learned counsel has placed reliance upon the judgments reported in ***PLD 2021 Supreme Court 738, 2020 PTD 519, 2022 YLR Note 20, PLD 2018 Supreme Court 595, 2000 P.Cr.L.J 1002, 2025 MLD 1720, PLD 2017 Supreme Court 733, 2012 SCMR 354 and 2024 P.Cr.L.J 1651.***

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant department (Customs) as well as the Investigating Officer from Collectorate of Customs (Exports), Karachi, opposed the applications and contended that the present case arises out of recovery of a substantial quantity of prohibited-bore weapons, comprising 08 M4 rifles and 02 SMG guns, which were allegedly concealed within a consignment of washing machines intended for export through formal channels; that the recovery was effected during physical examination of the container at West Wharf, Karachi; that the manner in which the weapons were concealed suggests a deliberate and coordinated arrangement involving more than one person; that the investigation has revealed nexus of local as well as foreign accused persons acting in concert for illegal export of prohibited arms; that the present applicants have been nominated during the course of investigation and their respective roles have been reflected in the challan submitted under Section 173 Cr.P.C.; that applicant Saleem Raza, being the exporter, is stated to be connected with the consignment and is further alleged to have had custody of the same prior to export, affording opportunity for concealment; that he is also stated to have remained in communication with foreign co-accused and to have dispatched the consignment without receipt of payment, which is stated to be inconsistent with normal commercial practice; that applicant Muhammad Taqi Jawwad, being a licensed clearing agent, is alleged to have processed export documentation and facilitated movement of the consignment through the authorized channel; that applicant Abid Gul is stated to have acted as translator and intermediary between foreign and local accused; that applicant Mst. Mona Senan Haider and the remaining applicants are also alleged to be connected with the occurrence through material collected during investigation; that the prosecution case is not confined to recovery from personal possession but relates to concealment and movement of prohibited arms through the consignment; that the documentary material, including goods declaration, export record and seizure memo, is stated to connect the applicants with the consignment from which the prohibited arms were recovered; that the documentation relating to the consignment is stated to be under verification, raising suspicion regarding its authenticity;

that sufficient incriminating material is available on record to prima facie connect the applicants with the commission of the alleged offence; that the offences alleged fall within the prohibitory clause of Section 497 Cr.P.C.; that the contention regarding maintainability of the present FIR in view of FIR No. 03 of 2025 is misconceived, as the earlier proceedings were initiated under the Customs Act, 1969 read with Sections 5 and 6 of the Arms Act, 1878 in the context of misdeclaration and attempted export under the applicable Export Policy Order and S.R.O., whereas the present FIR has been registered under the Sindh Arms Act, 2013 to address the offence relating to possession, concealment and movement of prohibited arms; that both proceedings relate to different aspects of the alleged occurrence; that the objection based on Section 26 of the General Clauses Act and Section 403 Cr.P.C. is also opposed on the same grounds; that the question regarding applicability of the said provisions, as well as the effect of repeal and saving clause contained in Section 41 of the Sindh Arms Act, 2013, is stated to involve interpretation of statutory provisions which cannot be conclusively determined at bail stage; that the applicant Saleem Raza is also stated to be involved in other similar cases relating to recovery of weapons; that there is apprehension of abscondence and tampering with evidence in case of release on bail; and that, in view of the nature of allegations and material available on record, the applicants do not deserve the concession of bail.

5. Heard; record perused.

6. Perusal of the record reflects that the prosecution case, as emerging from the FIR and challan, is that 08 (eight) M4 rifles and 02 (two) SMG guns were recovered from within an export consignment of washing machines. The recovery was effected during physical examination of the container at the export terminal. The manner in which the weapons were concealed within the declared goods prima facie indicates a deliberate arrangement and does not suggest their inadvertent presence.

7. It further appears that the said consignment was processed through formal export documentation, including goods declaration, invoice and supporting record, and was routed through the authorized export channel. The present applicants have been attributed roles in relation to the said consignment in their respective capacities, including its documentation, handling and facilitation of movement. The challan submitted under Section 173 Cr.P.C. reflects that their involvement has surfaced from the documentary material and surrounding circumstances linking them with the

consignment from which the prohibited arms were recovered. At this stage, such material provides prima facie nexus between the applicants and the alleged occurrence.

8. The contention that no recovery has been effected from the personal possession of the applicants does not advance their case, as the prosecution case is not confined to direct possession but relates to concealment of prohibited arms within goods and their movement through the consignment. In such circumstances, physical recovery from the person of an accused is not the sole determining factor. The recovery from the consignment, coupled with the material connecting the applicants with its processing and movement, prima facie links them with the alleged offence. The plea regarding lack of knowledge or intent is a matter for trial and does not, at this stage, create any ground for further inquiry.

9. The objection regarding registration of the present FIR in addition to earlier proceedings under the Customs law has been considered. It has been contended that the same is hit by Section 26 of the General Clauses Act and Section 403 Cr.P.C.; the former provision, in substance, relates to prosecution under more than one enactment for the same act, while the latter embodies the principle against double jeopardy after a prior trial. However, the question regarding applicability of the said provisions requires examination of factual and legal aspects. The material placed on record reflects that FIR No. 03 of 2025 was registered under the Customs Act, 1969 read with Sections 5 and 6 of the Arms Act, 1878 in the context of misdeclaration and violation of export policy, whereas the present FIR has been registered under the Sindh Arms Act, 2013 relating to possession, concealment and movement of prohibited arms. At this stage, it prima facie appears that both proceedings relate to different aspects of the alleged occurrence and arise from distinct statutory frameworks. The precise legal effect of such proceedings, as well as the applicability of the bar as contended, requires deeper examination of the record and statutory scheme, which cannot be conclusively determined at this stage.

10. The case law relied upon by the learned counsel for the applicants has been considered with due care; however, the same is distinguishable facts of cases in hand. The reliance placed on ***Muhammad Sarfraz Ansari v. The State (PLD 2021 Supreme Court 738)*** regarding the evidentiary value of statements of co-accused persons is not helpful, as the prosecution case is not based solely upon such statements but is supported by recovery of prohibited arms and the documentary material linking the applicants with

the consignment. Similarly, ***Muhammad Suhail v. The State (2020 PTD 519) and Sheharyar Ahmed v. The State (2022 YLR Note 20)***, relating to clearing agents, are distinguishable, as in the present case material exists connecting the applicants with the consignment. The reliance placed upon ***Sughran Bibi v. The State (PLD 2018 Supreme Court 595), Omari Khoja v. The State (2000 P.Cr.L.J 1002) and Sanullah v. Inspector General Police (2025 MLD 1720)***, regarding multiplicity of FIRs, is also misplaced, as the earlier and present proceedings relate to different aspects of the alleged occurrence. Likewise, ***Muhammad Tanveer v. The State (PLD 2017 Supreme Court 733), Shabeer v. The State (2012 SCMR 354) and Syed Baqir Raza Naqvi v. The State (2024 P.Cr.L.J 1651)***, on the question of further inquiry, are distinguishable, as the facts of the present case do not create any reasonable doubt regarding the involvement of the applicants.

11. It is well-settled that grant of bail is a matter of discretion to be exercised judiciously in view of the facts and circumstances of each case. In the case of ***Shambel Ahmed v. The State (2009 SCMR 174)***, the Honourable Supreme Court of Pakistan has held as under:

“Grant of bail is a matter of discretion which has to be exercised judiciously and not arbitrarily, keeping in view the facts and circumstances of each case. Even in cases not falling within the prohibitory clause, bail is not to be granted as a matter of right.”

It is further well-settled that pre-arrest bail is an extraordinary relief, to be granted only where mala fide or ulterior motive is established. In the case of ***Rana Abdul Khaliq v. The State and others (2019 SCMR 1129)***, the Honourable Supreme Court of Pakistan has held as under:

“Grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a deviation from the usual course of law and is to be extended only in exceptional circumstances where the petitioner is able to demonstrate that his intended arrest is motivated by mala fide or ulterior motive or that the process of law is being abused.”

12. In the present case, no material has been brought on record to demonstrate mala fide, ulterior motive or abuse of process; rather, the material available on record, particularly the documentary linkage and role attributed to the applicant in processing the consignment, prima facie connects him with the alleged offence. In these circumstances, no ground has been made out to bring the case within the ambit of Section 497(2), Cr.P.C. Accordingly, the post-arrest bail applications are dismissed; the pre-

arrest bail application of Muhammad Taqi Jawwad is also dismissed, and the interim pre-arrest bail granted to him vide order dated 15-12-2025 stands recalled.

13. The above observations are tentative in nature and shall not influence the learned trial Court in any manner.

JUDGE

Nadeem