

IN THE HIGH COURT OF SINDH AT KARACHI

SPL. CR. BAIL APPLICATION NO. 34 OF 2026

Applicants : Aman Khan and Muhammad Aamir
through Ms. Benish Fatima and Mr.
Muhammad Usman Malik,
advocates

Respondent : The State through Mr. Khalid
Mehmood Rajpar, Special
Prosecutor Customs

Date of Hearing : 14.04.2026

Date of order : 05.05.2026

ORDER

Omar Sial, J. The Applicants, namely Aman Khan and Muhammad Amir, have sought post arrest bail in Crime No. ASO-780/2025-(HQ) dated 25.12.2025 registered by Preventive Officer, Collectorate of Custom Enforcement, Karachi under sections 2(s), 15, 16, 17, 178 and 187 of the Customs Act, 1969 punishable under clause (8)(e)(i) and (89) of Section 156(1) read with 156(2) and 157(2) and Section 3(1) of the Imports and Exports (Control) Act, 1950. Earlier their request for bail was dismissed via Order dated 21.1.2026 by the Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi.

2. The FIR narrates that on the night of 24th and 25th of December, 2025, the concerned department of Customs received intelligence that a Mazda Truck bearing registration no. NAF-859 would transport smuggled mobile phones through a katcha rasta via Northen Bypass, Karachi. The said truck did pass through the said route at about 4.30 a.m. and was intercepted by Customs. Upon search of the vehicle, the customs uncovered a huge quantity of mobile phones in a specially designed cavity in the fuel tank of the truck for which the accused, Aman Khan (the driver) and Muhammad Amir (the helper) had no answer to.

3. I have heard the learned counsel for the accused(s) as well the learned Special Customs Prosecutor and my observations and findings are as follows.

4. Both the applicants have denied their involvement or knowledge of the mobile phones. Neither are they the owners of the vehicle. They informed the police that they had gone to Gwadar at the instructions of their employer, Fazal who had instructed them to deliver drums at a certain location. However, since they reached at a late hour of the night, there was no labour to unload the cargo and hence, they were instructed by Fazal to park the truck at a warehouse belonging to an individual by the name of Muhammad Yusuf. In the morning, the drums were unloaded and the two set out on their way back to Karachi. While they were on their way back to Karachi, they were asked by the owner, Fazal to detour the route via Hamdard University to avoid check posts. Both these accused (Fazal and Yusuf) who form an essential chain to this crime are missing from the scene and have not been arrested till date.

5. The offences with which the applicants are being charged (156(1)(89)(e)(i) carries a maximum sentence of 14 years and hence. Holistically at the bail stage, the lower punishment is taken into account. As per the principle established in the case of Tariq Bashir & 5 others v. the State reported at **PLD 1995 S.C.34**, there needs to be an exceptional ground to deny bail which is missing in the current case. I am also of the view that since the main people connected to the crime are yet to be apprehended, the case is also one of further inquiry as it is not clear at this preliminary stage whether the occupants of the vehicle were aware of the concealment.

6. In view thereof, both applicants stand admitted to bail against a sum of Rs.100,000/- (One Hundred Thousand Only) each and a PR Bond in the like amount to the satisfaction of the trial court.

JUDGE