

IN THE HIGH COURT OF SINDH AT KARACHI

SPL. CR. BAIL APPLICATION NO. 23 OF 2026

Applicants : Zakir Khan and Muhammad Saleem
through Ms. Nasima Mangrio,
advocate

Respondent : The State through Mr. Ashiq Ali
Anwar Rana, advocate

Date of Hearing : 14.04.2026

Date of order : 05.05.2026

ORDER

Omar Sial, J. The Applicants namely, Zakir Khan and Muhammad Saleem, have sought post arrest bail in Crime No. ASO-756/2025-(HQ) dated 14.12.2025 registered by Preventive Officer, Collectorate of Custom Enforcement, Karachi under sections 2(s), 15, 16, 17, 178, 187 of the Customs Act, 1969 punishable under sub-clause (e)(i) of clause (8) and (89) of Section 156(1) read with Section 156(2) and 157(2) and Section 3(1) of the Import and Exports Control Act, 1950. Earlier their request for bail was dismissed via Order dated 29.01.2026 by the Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi.

2. The facts as narrated in the FIR allege that on 13.12.2025 the Rangers conducted a major anti-smuggling operation. That as part of that operation it also detained Mazda Truck bearing No. TAR-823 which contained smuggled mobile phones in a concealed cavity between the fuel tank and the dump floor of the vehicle. That upon quantification, a total of 750 old and used mobile phones, 61 tablets and 18 boxes containing 9000 assorted memory cards were recovered from the vehicle. That no explanation or ownership trail has been established to account for these goods.

3. I have heard the learned counsel for the applicants as well as the respondent and my observations and findings are as follows.

4. Zakir Khan (the driver) and Muhammad Saleem (cleaner/friend) deny knowledge of the concealment. Neither are they the owners of either the truck or the goods. Zakir claims that he was employed by Fazal to deliver different goods from Karachi to Gwadar from time to time. That on the last occasion he had delivered snacks at Gwadar and then stayed at the house of Yasir Baloch for two days. That the truck stood parked outside his house. On 13.12.2025, Yasir Baloch handed him the keys of the truck and instructed him to take it back to Karachi. Because the truck remained unloaded, Zakir inquired about the same and was informed that no goods are being sent back due to the closure of the border.

5. Muhammad Saleem in his statement has stated that he is merely a friend of Zakir and had accompanied him on the trip for leisure purposes. He confirms the version of Zakir to the effect that snacks were transported from Karachi to Gwadar after which the two had a two day stay at the residence of Yasir. Both Yasir and Fazal remain fugitives. Further, the owner of the truck, Agha, as informed by Zakir has also not been apprehended.

6. 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.

7. 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