

IN THE HIGH COURT OF SINDH AT KARACHI

SPL. CR. BAIL APPLICATION NO. 368 OF 2025

Applicants : Syed Habibullah and Syed Naveed Ahmed through Mr. Muhammad Asghar Tareen, 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, Syed Habib Ullah and Syed Naveed Ahmed, have sought post arrest bail in Crime No. ASO-671/2025-(HQ) dated 16.11.2025 registered by Preventive Officer, Collectorate of Custom Enforcement, Karachi under sections 2(s), 16, 17, 157(1),178 of the Customs Act, 1969 punishable under sub-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 19.12.2025 by the Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi.

2. The facts as narrated in the FIR allege that on 15.11.2025 the Rangers contacted the Collectorate to take over the custody of an impounded vehicle in an anti-smuggling operation. Accordingly, after completion of all legal formalities, the Collectorate collected the following from the Rangers; Al Mehmood Passenger Bus (BSA-932), 4 accused which include the two applicants and Sanauallah and Wali Jan, 1,312 cartons of foreign origin of Mond brand cigarettes and 3,465 cartons of foreign origin Pine brand cigarettes, making a total recovery of 4,768 cartons. These goods were ingeniously concealed within specially fabricated, multi layered secret compartments integrated into the entire roof of the bus, leaving no open space

visible for recovery. Ultimately, the Rangers had to break the glass above the driver's gate and cut through the metal roofing which led to the detection of the concealed cache. The cigarette cartons had been redesigned in non-standard smaller sizes to maximize the quantity smuggled within the limited concealed space. It was alleged that the goods are smuggled, non duty paid and brought into the country through unauthorized channels and hence punishable under the law.

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

4. Syed Habib Ullah is a resident of Quetta and had been working as a bus driver since the last decade. He had joined Al Mehmood Bus Service two months ago against a remuneration of 5000 against each trip from Quetta to Karachi. He claimed that the responsibility for the loading and unloading of the goods was that of Wali Jan. (who has been admitted to bail via Order dated 10.12.2025) Whereas, Syed Naveed Ahmed the bus conductor also denied knowledge of the goods and claimed that his only job was to load and unload goods belonging to the passengers from the bus.

5. I note that the highly sophisticated manner in which the entire detained consignment and the manner of concealment is concerned cannot merely be the job of a driver or bus conductor. That the manner required for the extraction of the smuggled goods has deprived the bus of having any utility. They are also not the owners of the vehicle and for some reason, the record so far mentions nothing of the owner. Further, Wali Jan, who Syed Habib Ullah holds as responsible for the loading of goods has been released on bail inter alia on the ground that neither a memo of arrest of accused nor a memo of recovery was prepared by the Rangers personnel. Further, that the statement of Havildar Wazir Ali who executed the handover was not recorded by the IO. That any deficiency in the manner of investigation applies to all the accused(s) and

the rule of consistency requires that if one is allowed to benefit from the same, there is no reason to disallow that same benefit to another. It is also yet to be seen when evidence is led whether the applicants were even aware of the concealment.

6. Furthermore, I note that the offence with which the applicants have been charged falls within the non-prohibitory clause as it carries a maximum punishment of six years. Keeping in mind the principles enunciated in Tariq Bashir & 5 others v. the State reported at **PLD 1995 S.C.34**, I do not see any exceptional or extra-ordinary reason to deny the applicants' bail.

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