

## THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Application No. 334 of 2025

[Muhammad Arif v. The State]

Applicant : Muhammad Arif son of Shahjahan through M/s. Barrister Umair Usman, Iftikhar Hussain Shah, Muhammad Naeem Awan and Muhammad Shahmeer Memon, Advocates.

Respondent : The State, through Mr. Ashiq Ali Anwar Rana, Advocate along with I.O. Imran Maqsood.

Date of hearing : 02-12-2025

Date of decision : 02-12-2025

*FIR No. ASO-621/2025-HQ  
U/s: 2(s), 16, 17, 156(2), 157(2), 178, 187 punishable  
Under clause (8) & (89) of section 156 ibid r/w  
SRO 566(I)/2005 further r/w Import Policy Order 2022 &  
section 3(I) of the Imports and Exports (Control) Act, 1950  
Registered at AMO (HQ), NWB Wharf, Karachi*

### ORDER

**Adnan Iqbal Chaudhry J.** - Applicant seeks post-arrest bail in the aforesaid crime after the same has been declined by the Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi by order dated 17.11.2025.

2. Heard learned counsel and perused the record.

3. The FIR lodged on 29.10.2025 was that, on a tip-off, a passenger bus was stopped for search at Mochko check-post around 00:15 hours; that the driver fled the scene in the cover of night; that upon a search of the luggage compartment, a yellow box was retrieved which contained 25 bars of silver, 1 kg each, total 25 kg, suspected to be smuggled into Pakistan; that when the passengers of the bus were questioned, the Applicant came forward claiming ownership of the silver bars; since he could not produce documents of import, he was arrested and booked for the offence of smuggling, defined in section 2(s) of the Customs Act, 1969, punishable under clauses (8) and (89) of section 156(1) of said Act.

4. Per learned counsel for the Applicant, the Applicant had not claimed ownership of the silver bars and has nothing to do with them. On the other hand, learned Special Prosecutor draws attention to the interim challan, which narrates that the silver bars had been smuggled from Dubai via Chabahar (Iran) to Gwadar, where delivery was taken by the Applicant, who was carrying it to Karachi for onward delivery to the co-accused Muhammad Yousuf; that during interrogation, the Applicant confessed to the crime; and that his cellphone also revealed communication with the co-accused Muhammad Yousuf for carrying out said smuggling.

5. Apparently, the silver bars alleged to be smuggled, were not seized from the person of the Applicant, but from the luggage compartment of the passenger bus. There is no document that ties the Applicant to the yellow box containing the silver bars. The extra judicial confession of the Applicant has little evidentiary value at this stage when the alleged incriminating data recovered from his cell phone has yet to undergo forensic examination. The co-accused with whom the Applicant allegedly planned the smuggling, has been granted bail by the trial Court.

6. In view of the foregoing, the case against the Applicant is one of further inquiry into his guilt, thus falling within the ambit of sub-section (2) of section 497 Cr.P.C. Therefore, the Applicant Muhammad Arif son of Shahjahan is granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 500,000/- [Rupees Five Hundred Thousand only] alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations herein are tentative, and shall not be construed to prejudice the case of either side at trial.

**JUDGE**

Karachi

Dated: 02-12-2025

*\*PS/SADAM*