

THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Bail Application No. 337 of 2025

For hearing of Bail Application.

Applicant/ Accused : Abdul Sattar son of Muhammad Anwar through Mr. Basit Umar, Advocate.

The State : Through Mr. Ashiq Ali Anwar Rana, Special Prosecutor Customs.

Date of hearing : 16-12-2025

Date of order : 16-12-2025

*FIR No. ASO-622/2025-HQ
U/s: 2(s), 16, 17, 156(2), 157(2), 178, 187
Punishable under clause (8) and (89) of section
156 ibid r/w SRO 566(I)/2005 further read with
Import Policy Order 2022 and section 3(I) of the
Imports and Exports (Control) Act, 1950*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant seeks post-arrest bail in the aforesaid crime after the same has been declined by the Special Judge (Customs, Taxation & Anti-Smuggling) Karachi vide order dated 22.11.2025.

2. Heard learned counsel for the Applicant and the Special Prosecutor for Customs.

3. As per the FIR lodged on 29.10.2025, a passenger bus from Quetta to Karachi was stopped at the Customs check-point at Mochko; upon a tip received by the Customs team, the luggage compartment of the bus was searched, leading to the recovery of 20 foreign-origin silver bars of 1 kg each, total 20 kgs, with an estimated value of Rs.12,750,000/-; that the Applicant, as driver of the bus, and the conductor, namely Niaz Muhammad, could not produce import documents; therefore, they were arrested and booked for the offence of smuggling as defined in section 2(s) of the Customs Act, 1969, punishable under clauses 8(iii) and 89(i) of section 156(1) of the Customs Act. Niaz Muhammad was granted bail by the trial Court.

4. As per the interim challan dated 12.11.2025, the Applicant did not claim to be owner of the silver bars, and stated that he was only asked by the owner of the bus, namely Shamuddin, to transport said goods to Karachi. The stance taken by Shamsuddin, by a letter addressed to the I.O., is that the silver bars were booked by one Abid Khan from Quetta for delivery to one Waheed at Karachi, and in support of that he also produced a *bilty*. These facts are still under investigation.

5. Apparently, the silver bars alleged to be smuggled into Pakistan, were recovered from the luggage compartment of a passenger bus of which the Applicant was merely the driver. Even assuming that the Applicant had knowledge of the silver bars inside the luggage compartment, it has yet to be proved that he had knowledge that he was transporting goods smuggled into Pakistan. The owner of the bus who gave those goods to the Applicant, and the statement of the owner that those goods were booked for delivery by another, are facts that have yet to be investigated. Therefore, the case against the Applicant is one of further inquiry, falling within the ambit of sub-section (2) of section 497 Cr.P.C.

6. The offences alleged against the applicant fall under clauses 8(iii)(c) and 89(i) of section 156(1) of the Customs Act, where the maximum term of imprisonment is 5 and 6 years respectively. Therefore, the case also does not attract the prohibitory clause of section 497 Cr.P.C.

7. In view of the foregoing, the Applicant, Abdul Sattar son of Muhammad Anwar is granted bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 200,000/- (Rupees Two Hundred Thousand Only) alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

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

JUDGE

*PS/SADAM