

THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Bail Application No. 340 of 2025

For hearing of Bail Application.

Applicant/ Accused : Khaled Ahmed Muhammad Abdullah Al Gaafari son of Ahmed through M/s. Waqas and M. Rizwan Khan, Advocates.

The State : Through Mr. Haad Abid, Special Prosecutor Customs along with I.O. Aijaz Hussain.

Date of hearing : 19-12-2025

Date of order : 19-12-2025

*FIR No. 02/2024-25 dated 24.01.2025
u/s: 15, 16, 32(1) & 131 of Customs Act, 1969
r/w Arms Act, 1878, as envisaged vide clause 15(b)
of Export Policy Order, 2022 r/w Sr. No.11 of Schedule-II
of Export Policy Order, 2022 punishable under sub-section
9, 14 & 66 of section 156 of the Customs Act, 1969
P.S. Collectorate of Customs (Exports) PMBQ, Karachi*

O R D E R

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 24-11-2025.

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

3. The FIR, lodged on 24-01-2025, was that a consignment of 2060 ceiling fans manufactured in Pakistan, intended for export to Oman, was stopped and examined at the QICT Yard, Port Qasim, which revealed that 1464 pistols (.30 bore and 9 mm) were concealed in the plastic base cavity of the ceiling fans. The pistols were seized; their value estimated Rs. 43,920,000/; the exporter namely M/s. Fate Enterprises, and the clearing agent namely Brisking Enterprises, their abettors and beneficiaries were booked for the offence under section

32 of the Customs Act, 1969 [Act], punishable under clauses 9, 14 and 66 of section 156(1) of the Act. As investigation progressed, the offence of smuggling, as per section 2(s) of the Act, punishable under clause 8(i) of section 156(1) of the Act, was added to the final challan dated 24.04.2025.

4. The third supplementary challan, dated 15-10-2025, further added offences under sections 6, 19(c) and 20 of the Arms Act, 1878. It is submitted by learned Special Prosecutor that said provisions of the Arms Act, 1878, dealing with the import and export of arms and ammunition, were not repealed by the West Pakistan Arms Ordinance, 1965; and that, section 15 of the Export Policy Order, 2022 stipulates that restrictions imposed by the Arms Act, 1878 shall be treated as restrictions under the Export Policy Order. But even so, section 3(3) of the Imports and Exports (Control) Act, 1950 in turn stipulates that goods prohibited or restricted by the Export Policy Order shall be deemed to be goods prohibited or restricted by section 16 of the Customs Act. Pursuant thereto, 'arms and ammunition' were notified *vide* SRO 566(I)/2006 (dated 06.06.2005), issued under clause (ii) of section 2(s) of the Customs Act, as goods subject matter of smuggling. Therefore, the offence of smuggling, punishable under clause 8(i) of section 156(1) of the Customs Act, would cover the smuggling of arms and ammunition as well.

5. Coming back to the facts, M/s. Fate Enterprises, which was named as exporter of the ceiling fans in the GD, was registered as sole proprietorship of Rozina Abdullah wife of Abdullah. She stated that she was proprietor only in name, and that the business was of her husband. Rozina Abdullah and her son, Zain Abdullah, were granted bail finding that they were not the ones running said business. Abdullah, the husband of Rozina, was also granted bail by this Court *vide* order dated 04.11.2025 finding a case of further inquiry.

6. Investigation revealed that certain Yemeni nationals in Pakistan, in particular Ammar Muhammad Saleh, Abdul Moeen and

Faiz, purchased the ceiling fans from Gujrat and the pistols from various arms dealers in Peshawar, and then employed a network of persons to conceal the pistols in the ceiling fans, to transport the goods to Karachi, and to file export documents for ceiling fans with the aim of smuggling the concealed pistols out of Pakistan.

7. The Applicant, a Yemeni national in Pakistan, was implicated by the co-accused Muhammad Siddique while recording his confessional statement under section 164 CrPC. As per that statement, the Applicant had approached him through an interpreter, namely Ismail Baloch, for supply of arms for smuggling to Oman. Upon that statement, the Applicant was allegedly arrested from Karachi on 29-08-2025 and arrayed as an accused person in the supplementary challan-II dated 27-08-2025.

8. The role assigned to the Applicant in the supplementary challan-III dated 15-10-2025 is that he is broker of illicit arms, with contacts in Pakistan, Yemen, UAE and East Africa; that in October 2024, he met the co-accused Muhammad Siddique, an arms supplier, and brokered a major arms deal for supply of weapons to Yemeni nationals in Pakistan (principal co-accused persons) for onward smuggling out of Pakistan; that the Applicant also facilitated the visa and lodging arrangements for said accused persons, including Ammar Muhammad Saleh. On the other hand, learned counsel for the Applicant draws attention to the Applicant's passport to show that he is in Pakistan on a valid student visa; that he was residing at Islamabad, from where he was picked on 22-04-2025 by unknown persons, for which publications were made on the social media in efforts to effect his recovery, much before his arrest was shown in this case.

9. Assuming that the student visa of the Applicant was only a cover for carrying on arms deals in Pakistan, as submitted by learned Special Prosecutor, the fact of the matter remains that the primary evidence against the Applicant at this stage is the confessional

statement of the co-accused Muhammad Siddique. Such statement is not conclusive evidence against the Applicant until corroborated by other evidence. As regards the data allegedly retrieved by the I.O. from the Applicant's cell-phone, which allegedly shows contacts with the principal accused Yemeni nationals, that has yet to undergo forensic examination. Therefore, the case against the Applicant requires further enquiry into his guilt, thus falling within the ambit of sub-section (2) of section 497 Cr.P.C.

10. For the foregoing reasons, the Applicant Khaled Ahmed Muhammad Abdullah Al Gaafari son of Ahmed is granted bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 1,000,000/- (Rupees One Million Only) alongwith P.R. Bond in like amount to the satisfaction of the trial Court. His passport shall also be retained by the trial court till such time it deems fit.

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

JUDGE

*SHABAN**