

IN THE HIGH COURT OF SINDH AT KARACHI

Spl. Criminal Bail Application No.26 of 2026

Applicant : *Haziz Ullah* through Mr. Ali Muhammad Kakepoto, advocate

Respondent : The State through Assistant Collector, Customs, Jinnah International Airport, Karachi, through Mr. Ashiq Ali Anwar Rana, Special Prosecutor Customs

Date of Hearing : 05.05.2026

Date of order : 18.05.2026

ORDER

Omar Sial, J. On 15.01.2026, the Pakistan Customs stopped a person named Haziz Ullah who was *en route* to the United States via Dubai. A scan of Haziz Ullah's luggage alerted the Customs, who then physically checked his baggage. 30 tolas of gold were found concealed in mobile phones in his bag. USD 4900 was also found. Both the money and the gold were seized, and F.I.R. Case No.DEC-121/2026-JIAP was registered against Haziz Ullah under sections 2(s), 16, 17, 139(2) and 139(3) of the Customs Act, 1969, read with Serial 16 of SRO 566(I)/2005, punishable under clause 70(iii) (b) and sub clause 8(iii) (d) of sub section 1 of Section 156 *ibid* read with 2(b) and 16 of the Baggage Rules, 2006, as notified in SRO.666(I)/2006 dated 28.06.2006. His application seeking post-arrest bail was declined on 07.02.2026 by the learned Special Judge (Customs, Taxation and Anti-Smuggling-I), Karachi.

2. I have heard the applicant's counsel and the learned Special Prosecutor Customs. My observations and findings are as follows.

3. The learned counsel has stressed two grounds for the grant of bail. One, that the applicant is an old and infirm man,

and two, that he had all intentions of declaring the gold at the airport, but he was arrested before he was given an opportunity. No evidence that he is a sick and infirm person has been provided by the counsel. As regards his second argument, leniency could have been shown; however, prima facie, the fact that the gold was concealed inside the mobile phones he carried suggests that he had no intention of making a declaration. The seizure from Haziz Ullah and the fact that he was carrying the gold have not been denied. However, learned counsel has submitted that the applicant is not a smuggler and that he wanted to take the gold to buy himself a taxi in the USA.

4. A bit of online research shows that the price of 24-karat gold in January 2026 was approximately 550,000 per tola. This would mean the approximate value of the gold Haziz Ullah carried was Rs. 16,500,000. The learned counsel submits that the gold was purchased in 2020, and at that point in time, 30 tolas of gold were valued at Rs. 115,000. No evidence has been provided to show that the gold was purchased in 2020 or declared to the Federal Board of Revenue. Also, with much respect to the counsel, the gold rates in 2020 ranged from Rs. 80,000 to Rs. 1,00,000 per tola. In any case, this would tantamount to a deeper analysis of evidence.

5. Upon a tentative assessment, the applicant does not appear to be a professional smuggler. It seems he tried his luck at taking out gold without declaring it, and it was his bad day when he got caught by alert Pakistan Customs sleuths on duty. The possible sentence for this attempt ranges from 5 to 14 years, and the payment of a fine. No purpose would be served by keeping the applicant incarcerated. However, as he is a US citizen, the possibility of being a flight risk cannot be conclusively ruled out.

6. Given the above, the applicant is admitted to bail against a surety of Rs. one million and a P.R. Bond for the same amount to the satisfaction of the learned trial court. In addition, his name will be added to the Exit Control List until the

conclusion of the trial or until the learned trial court orders otherwise. The learned trial court shall issue a release order upon confirmation from the F.I.A. that the applicant's name has been put on the Exit Control List.

7. Let a copy of this order be sent to the learned Attorney General's office and the F.I.A.'s director, who oversees immigration and exits at the ports.

JUDGE