

THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Bail Application No. 128 of 2026

Applicants : Ghulam Mustafa, Muhammad Raza, Muhammad Saddiq and Muhammad Ishaq through M/s. Muhammad Baqar Mehdi and Sabah Abdul Rasheed, Advocates.

The State : Mr. Ashiq Ali Anwar Rana, Special Prosecutor Customs along with I.O. of the case namely, Ahsan Mushtaq.

Date of hearing : 07-07-2026

Date of decision : 07-07-2026

*FIR Case No. ASO-31/2026 (HQ)
U/s: 2(s), 16, 17, 178, 187 of the Customs Act, 1969
Punishable under sub-clauses (e)(i) of clause (8) and
(89) of section 156(1) r/w section 156(2), 157(2) and
Section 3(1) of the Import & Exports Control Act, 1950
Registered at AASO (HQ, NMB Wharf, Karachi.*

ORDER

Adnan Iqbal Chaudhry J. - The Applicants seek 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 03.06.2026.

2. The FIR lodged on 12.05.2026 by the Anti-Smuggling Organization alleged that on 11.05.2026 at 21:45 hours, a private security company van was intercepted at the Mochko Police Checkpoint on suspicion of carrying smuggled goods; that a search of the security van revealed that along with the cash being transported for MCB Bank, there were 20 sealed bags containing foreign-origin cigarettes of brands 'Milano' and 'Mond'; therefore, Applicant No.1 as driver of the van, and Applicants 2 to 4 as security guards accompanying him, were all arrested for the offence of smuggling as defined in section 2(s) of the Customs Act, 1969.

3. Heard learned counsel and perused the record.

4. Though recovery of foreign-origin cigarettes from the security van does not seem to be doubtful, it is submitted by learned counsel for the Applicants that those cigarettes were recovered from 'sealed' bags, which seals were not put by the Applicants nor were they aware of the contents of the sealed bags. Though learned Special Prosecutor relies on the statement of confession made by the Applicants, such statements were recorded in police custody and cannot be relied upon at this stage. Since the cigarettes were recovered from sealed bags, the submission that the Applicants were not aware of its contents cannot be ruled out at this stage.

5. The offence of smuggling punishable under clauses 8(i)(a) and 89(1) of section 156(1) of the Customs Act, 1969, provide a maximum imprisonment of two and six years respectively. Therefore, the offence alleged against the Applicants also does not fall within the prohibitory clause of section 497 Cr.P.C.

6. For the foregoing reasons, the Applicants Ghulam Mustafa, Muhammad Raza, Muhammad Saddiq and Muhammad Ishaq are granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs.100,000/- [Rupees One Hundred Thousand only] each 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: 07-07-2026

**PS/SADAM*