

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Spl. Cr. Appeal No. 25 of 2026

Spl. Cr. Appeal No. 26 of 2026

Appellants : Shoukat Ali Son of Muhammad Ramzan [Spl. Cr. Appeal No. 25/2026] & Hafiz Abdul Samad son of Ali Muhammad [Spl. Cr. Appeal No. 26/2026] through Mr. Aqil Ahmed, Advocate, assisted by M/s. Bilal Ahmed and Fawad Ahmed, Advocates.

The State : Through Mr. Naimat Ullah Soomro, Special Prosecutor Customs.

Date of hearing : 03-08-2026

Date of decision : 03-08-2026

ORDER

Adnan Iqbal Chaudhry J.- Mr. Naimat Ullah Soomro, Advocate, files vakalatnama for the Customs. Learned counsel for the Appellants prays for suspension of sentence under section 426 Cr.P.C. He submits that the Appellants were also on bail throughout trial.

2. Heard learned counsel on the application under section 426 Cr.P.C.

3. Both Appellants have been convicted for the offence of smuggling as defined in section 2(s) of the Customs Act, 1969 for their involvement in the attempt to smuggle foreign currency out of Pakistan via an Emirates Airline flight departing from the Jinnah International Airport, Karachi. However, the Appellants were not booked as passengers of said flight. The Appellant Shoukat Ali, from whom the foreign currency was recovered, was a loader at the airport working for Royal International Airport Services, whereas the allegation against the Appellant Hafiz Abdul Samad was that he had

given the foreign currency to Shoukat Ali for passing it on to a passenger namely Muhammad Atif Darbar. But then, that passenger was acquitted by the trial court. In adjudication proceedings under section 179 of the Customs Act, both the Appellants were also absolved of the offence of smuggling and the foreign currency was returned to Shoukat Ali. In these circumstances, there is some force in the submission of the Appellants' counsel that the charge of smuggling was not proved against the Appellants.

4. Though counsel for Respondent opposes the applications, in my view, the point raised by Appellants' counsel requires reappraisal of the evidence. The other consideration is that the Appellants remained on bail through-out trial.

5. For the forgoing reasons, the sentence awarded to the Appellants by common judgment dated 15-07-2026 in Case No.97/2019 arising from FIR No. DEC-06/2019-JIAP (DEP), is suspended, and the Appellants are granted bail under section 426 Cr.P.C. subject to furnishing solvent surety in the sum of Rs. 200,000/- (Rupees Two Hundred Thousand only) each and P.R. bond in like amount to the satisfaction of the Nazir of this Court. M.A. No. 11274/2026 and M.A. No. 11277/2026 are allowed in said terms.

Office shall place a copy of this order in connected appeal.

JUDGE

SHABAN*