

IN THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Application No. 04 of 2022

[Muhammad Wasif versus The State]

Applicant : Muhammad Wasif son of Muhammad Sadiq, through Mr. Shaikh Jawaid Mir and Shahryar Ibrahim Soho, Advocates.

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

Date of hearings : 24-04-2022 & 26-04-2022

Date of decision : 26-04-2022

*Case No. ASO-472/2021-HQ
U/S 2(s) read with Section 157(2) & 178
Of the Customs Act, 1969, punishable
under Clause (8) of Section 156(1) ibid
PS Anti-Smuggling Organization Hqrs.,
(office), NMB Wharf, Karachi*

ORDER

Adnan Iqbal Chaudhry J. - Per the facts narrated in the FIR, on 22-12-2021 the officers of the Anti-Smuggling Organization received information that a car bearing registration No. AYU-441 was plying on Khayaban-e-Shahbaz, DHA, Karachi for supplying foreign-origin liquor; that a team constituted for snap checking spotted and stopped the car which was being driven by the applicant/accused; that a search of the car revealed a sizeable of quantity of foreign-origin liquor in the trunk and on the back and front seats suspected to be smuggled goods; that the car along said liquor was taken to headquarters where a detailed inventory was prepared to list 160 bottles of foreign-origin liquor with an estimated value of Rs.3,068,000/. The applicant/accused was arrested for smuggling under section 2(s) read with section 157(2) and 178 of the Customs Act, 1969. Allegedly, on interrogation, the applicant revealed that he was working for Santosh Kumar @ Balla (co-accused) and on his instructions the applicant supplied the liquor to clients in the vicinity of Defence and Clifton, Karachi.

2. Heard learned counsel and perused record.

3. Admittedly, the inventory of the alleged foreign-origin liquor was not made at the spot but at the headquarters. The only document prepared at the spot was a 'masheernama of interception' which is vague. It is not specific as to the place of interception of the car and does not say whether the liquor was found secreted in the car, and if so, how; rather it states simply that a sizable quantity of foreign-origin liquor was found in the trunk and at the back and front seats of the car.

4. The masheernama of interception was prepared at 04:30 p.m., whereas the FIR was lodged at the headquarters at 8:30 p.m. The distance to the headquarters was not such. Learned Special Prosecutor submitted that time was consumed in preparing the inventory of the seized goods. However, even taking into account an inventory of 160 bottles, the intervening period of 4 hours is still unexplained and gives some force to the submission of learned counsel for the applicant that he was not arrested as alleged. Furthermore, though the FIR and the masheernama of examination and seizure of goods bear the same time of 8:30 p.m., the said masheernama recites that the FIR has been registered, thus suggesting that such masheernama was prepared after lodging the FIR.

5. In view of the foregoing, the case against the applicant is one of further inquiry. Therefore, the applicant, Muhammad Wasif is granted bail in Case No. ASO-472/2021-HQ subject to furnishing solvent surety in the sum of Rs. 400,000/- [Rupees Four Hundred Thousand Only] alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state, that the observations herein are tentative, and nothing herein shall be construed to prejudice the case of either side at trial.

JUDGE

Karachi

Dated: 26-04-2022