

# THE HIGH COURT OF SINDH AT KARACHI

## Special Criminal Bail Application No. 89 of 2025

[Saleem Raza v. The State]

Applicant : Saleem Raza son of Amir Ali through M/s. Syed Mahmood Alam Rizvi, M. Aibak Ali Shah and M. Saad Shafiq Siddiqui, Advocates.

Respondent : The State, through Mr. Ashiq Ali Anwar Rana, Advocate along with I.O. Naeem.

Mr. Muhammad Javed Khalid Raan, Deputy Attorney General for Pakistan

Date of hearing : 11-04-2025

Date of decision : 11-04-2025

*FIR No. 03/2025/-EXP-EW  
U/s: 2(s), 15, 16, 32 32(1), 131 and 209 of Customs Act, 1969 r/w Arms Act, 1878 as envisaged vide Clause 15(b) of the Export Policy Order, 2022 and Further read Sr. No. 11 of Schedule II of Export Policy Order, 2022 punishable under sub Section 8(i), 9, 14 & 66 of Section 156 of the Customs Act, 1969 And further read with Customs Rule, 2001 P.S. Collectorate of Customs (Exports), Customs House, Karachi*

## ORDER

**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-II), Karachi by order dated 27.03.2025.

2. The Applicant, an exporter, carrying on business under the name and style of 'Simba Enterprises' filed a G.D. to export 110 units of washing machines to Yemen. The Customs marked the container for examination at the Karachi Gateway Terminal Ltd. The examination revealed that 08 M4 Rifles and 02 SMG Rifles of different brands were tactfully concealed within some of the washing machines. The Applicant, who was present for the examination, was arrested and booked for the offence of smuggling as defined in

section 2(s) of the Customs Act, 1969 and punishable under clause 8(i)(c), 14(1) and 66 of section 156(1) of the Customs Act, 1969.

3. Heard learned counsel and perused the record.

4. It is submitted by learned counsel for the Applicant that the owner of the goods was the co-accused Essa Tahir, a resident of Yemen, who had transported the washing machines to the Applicant from Peshawar; that the Applicant was acting only as freight forwarder and was unaware of the rifles concealed inside the washing machines.

5. The fact that the washing machines were transported to the Applicant's warehouse from Peshawar and that owner of the goods was the co-accused Essa Tahir, is a fact acknowledged in the challan. Therefore, the contention of the Applicant that he was acting merely as a freight forwarder and unaware of the rifles concealed inside the washing machines, cannot be ruled out at this stage. There is also force in the submission of Mr. Mehmood Alam Rizvi, learned counsel for the Applicant, that the Applicant had been duped by the co-accused Essa Tahir into filing the G.D., and had the Applicant been complicit in the offence he would not have turned up for examination of the goods by the Customs. Therefore, the case against the Applicant is one of further inquiry into his guilt and falls within the ambit of sub-section (2) of section 497 Cr.P.C.

6. The offence alleged against the Applicant is punishable under clause 8(i)(c), 14(1) and 66 of section 156(1) of the Customs Act, 1969, none of which prescribe imprisonment beyond a period of five years. Therefore, the offence alleged also does not fall within the prohibitory clause of section 497 Cr.P.C.

7. For the foregoing reasons, the Applicant Saleem Raza son of Amir Ali is granted post-arrest 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.

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: 11-04-2025

\*PA/SADAM