

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D – 5253 of 2025  
(Mr. Amjad Malik v/s Federation of Pakistan & others)

Petitioner : Mr. Amjad Malik, through Mr. Madan Lal Advocate.

Respondent 1 : Nemo.

Respondents 2-3 : Collector of Customs MCC Appraisement (West) and The Deputy Collectorate of Customs (Adjudication) West through Mr. Aamir Ali Shaikh Advocate.

Date of hearing : 05.11.2025

Date of decision : 05.11.2025

**ORDER**

**Adnan Iqbal Chaudhry J.** - Goods imported by the Petitioner have been adjudicated under Section 179 of the Customs Act, 1969 **[Act]** with an Order-in-Original dated 29.09.2025 finding that the goods are liable for outright confiscation. Against that order, the Petitioner has preferred an appeal to the Collector of Customs (Appeal).

Learned counsel for the Petitioner confines the petition for an order to shift the goods to the State Warehouse i.e. the CPF Bond to avoid further demurrage and detention charges. The order of confiscation has yet to be tested in appeal. Therefore, for any further proceedings under the Customs Act, detaining the goods at the port serves no purpose to the Customs, rather it is the Petitioner who may end up saddled with demurrage and detention charges. Though learned counsel for the Customs opposes the petition, he does not advance any convincing reason for detaining the goods at the port. Clause 34 of CGO No.12/2002 dated 15.06.2002 envisages that even confiscated goods are to be shifted to the State Warehouse till further

proceedings where those remain in custody of the Customs. Therefore, we allow the petition and direct the Respondent No.2 to shift the Petitioner's goods imported under G.D. No. KAPW – 38861 dated 01.09.2025 to the CPF Bond at the expense of the Petitioner, which shall be without prejudice to further proceedings by the Customs.

JUDGE

JUDGE

Nadeem Qureshi PA