

# THE HIGH COURT OF SINDH KARACHI

## Spl. Cr. Bail Application No. 338 of 2025

### For hearing of Bail Application.

Applicant/ Accused : Miss. Muna Senan Haider wife of Ammar Muhammad Saleh, through M/s. Junaid Ahmed, Wasiq B. Aqeel, Muhammad Shaheer Memon and Muhammad Naeem, Advocates.

The State : Through Mr. Haad Abid, Special Prosecutor Customs along with I.O. Aijaz Hussain.

Date of hearing : 12-12-2025

Date of order : 12-12-2025

*FIR No. 02/2024-25 dated 24.01.2025  
u/s: 15, 16, 32(1) & 131 of Customs Act, 1969  
r/w Arms Act, 1878, as envisaged vide clause 15(b)  
of Export Policy Order, 2022 r/w Sr. No.11 of Schedule-II  
of Export Policy Order, 2022 punishable under sub-section  
9, 14 & 66 of section 156 of the Customs Act, 1969  
P.S. Collectorate of Customs (Exports) PMBQ, 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) Karachi vide order dated 24.11.2025.

2. Heard learned counsel for the Applicant and the Special Prosecutor for Customs.

3. The FIR, lodged on 24-01-2025, was that a consignment of 2060 ceiling fans manufactured in Pakistan, intended for export to Oman, was stopped and examined at the QICT Yard, Port Qasim, which revealed that 1464 pistols (.30 bore and 9 mm) were concealed in the plastic base cavity of the ceiling fans. The pistols were seized; their value estimated Rs. 43,920,000/-; the exporter namely M/s. Fate Enterprises, and the clearing agent namely Brisking Enterprises, their abettors and beneficiaries were booked for the offence under section

32 of the Customs Act, 1969 [Act], punishable under clauses 9, 14 and 66 of section 156(1) of the Act. As investigation progressed, the offence of smuggling, as per section 2(s) of the Act, punishable under clause 8(i) of section 156(1) of the Act, was added to the final challan dated 24.04.2025.

4. The third supplementary challan, dated 15-10-2025, further added offences under sections 6, 19(c) and 20 of the Arms Act, 1878. It is submitted by learned Special Prosecutor that said provisions of the Arms Act, 1878, dealing with the import and export of arms and ammunition, were not repealed by the West Pakistan Arms Ordinance, 1965; and that, section 15 of the Export Policy Order, 2022 stipulates that restrictions imposed by the Arms Act, 1878 shall be treated as restrictions under the Export Policy Order. But even so, section 3(3) of the Imports and Exports (Control) Act, 1950 in turn stipulates that goods prohibited or restricted by the Export Policy Order shall be deemed to be goods prohibited or restricted by section 16 of the Customs Act. Pursuant thereto, 'arms and ammunition' were notified *vide* SRO 566(I)/2006 (dated 06.06.2005), issued under clause (ii) of section 2(s) of the Customs Act, as goods subject matter of smuggling. Therefore, the offence of smuggling, punishable under clause 8(i) of section 156(1) of the Customs Act, would cover the smuggling of arms and ammunition as well.

5. Coming back to the facts, M/s. Fate Enterprises, which was named as exporter of the ceiling fans in the GD, was registered as sole proprietorship of Rozina Abdullah wife of Abdullah. She stated that she was proprietor only in name, and that the business was of her husband. Rozina Abdullah and her son, Zain Abdullah, were granted bail finding that they were not the ones running said business. Abdullah, the husband of Rozina, was also granted bail by this Court *vide* order dated 04.11.2025 finding a case of further inquiry.

6. Investigation revealed that certain Yemeni nationals in Pakistan, in particular Ammar Muhammad Saleh, Abdul Moeen and

Faiz, purchased the ceiling fans from Gujrat and the pistols from various arms dealers in Peshawar, and then employed a network of persons to conceal the pistols in the ceiling fans, to transport the goods to Karachi, and to file export documents for ceiling fans with the aim of smuggling the concealed pistols out of Pakistan.

7. The Applicant, a Yemeni national, is said to be the wife of one of the principal accused namely, Ammar Muhammad Saleh, also a Yemeni national. The Applicant was allegedly arrested from Karachi on 21.08.2025 from a restaurant and implicated in the crime vide supplementary challan-II dated 27.08.2025. At the time of her arrest, he was accompanied by three minor daughters who are presently with her in the women prison.

8. The role assigned to the Applicant in the crime, as discussed in the impugned order, is :

*"Specifically, applicant/ accused Muna Senan Haider, being the spouse of the principal absconding accused Ammar Muhammad Saleh, is alleged to have actively participated in packing firearms inside ceiling fans and accompanied her husband to arms factories, as corroborated by the confessional statement of co-accused Muhammad Siddiq recorded under Section 164 Cr.P.C. The possession of receipts and other incriminating material, together with her direct involvement, cannot be ignored and indicates her active complicity in the smuggling conspiracy."*

9. Therefore, the Applicant was arrested on the statement of a co-accused person. Suffice to state that until corroborated by other evidence, the statement of the co-accused is not conclusive evidence against the Applicant. The Applicant is a female and a mother of three minors who are staying with her in prison. Therefore, in view of the first proviso to section 497(1) Cr.P.C, her bail application is to be considered on compassionate grounds. The fact that she is the wife of the principal accused, does not *ipso facto* make her guilty. The argument that she had confessed that she was involved in the packing and concealing of the pistols in ceiling fans, is an extrajudicial statement which does not have evidentiary value at this stage. In any case, the role assigned to her in the crime seems to attract clause 89(i)

of section 156(1) of the Customs Act, 1969, where the maximum imprisonment is six years. Therefore, the case against the Applicant also does not fall within the prohibitory clause of section 497 Cr.P.C.

10. For the foregoing reasons, the Applicant Muna Senan Haider wife of Ammar Muhammad Saleh is granted bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 200,000/- (Rupees Two Hundred Thousand Only) alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations above are tentative and shall not be construed to prejudice the case of either side at trial.

**JUDGE**

*\*PS/SADAM*