

IN THE HIGH COURT OF SINDH AT KARACHI

**SPL. CR. BAIL APPLICATION NO. 47 OF 2026**  
**SPL. CR. BAIL APPLICATION NO. 62 OF 2026**

Applicant *in B.A* : Ravish Mumtaz through Mr. Kashif  
*No.47 of 2026* Faraz Bhutta, advocate

Applicants *in B.A* : (i)Muhammad Umar; (ii) Muhammad  
*No.62 of 2026* Siddique and (iii) Ameer Hamza through  
M/s. Kaleemullah and Saddam Tareen,  
advocates

Respondent : The State through Ms. Rubina Qadir,  
Deputy Prosecutor General

Date of Hearing : 19.05.2026  
Date of order : 25.05.2026

**ORDER**

**Omar Sial, J.** The Applicants namely, Ravish Mumtaz, Muhammad Umar, Muhammad Siddique and Ameer Hamza have sought post arrest bail in Crime No. 02/2025-26 dated 13.02.2026 registered by PS Collectorate of Customs Enforcement Hyderabad, under sections 2(s), 16, 157, 168 & 187 of the Customs Act, 1969, read with Section 3(1) of the Imports and Exports (Control) Act, 1950, punishable under Clause (8) & (89) of Section 156(1) of the Customs Act, 1969 and 157(2) *ibid*, further read with SRO.566(I)/2005 dated 06.06.2005, SRO.499(I)/2009 dated 13.06.2009 and SRO.1619(I)/2019. Earlier, their request for bail was dismissed via an Order dated 12.03.2026 by the Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi.

2. Sp. Crl. Bail App No. 62 of 2026 has been filed by Mohammad Umar, Mohammad Siddique, and Ameer Hamza while Sp. Crl Bail App No. 47 of 2026 has been filed by Ravish Mumtaz.

3. Per FIR, on 12.02.2026 at about 05:00 p.m., officials of CIA Police Jacobabad, along with officials of an intelligence agency, intercepted a Toyota Corolla bearing Registration No. MG-06 near Bypass Road, Jacobabad. Upon search, 60 silver bars weighing approximately 60 kilograms were recovered, which were reasonably believed to be smuggled and non-duty paid. When the car was

stopped for a search, Ameer Hamza was driving, while the other accused were passengers.

4. The matter was reported to the Collector, Collectorate of Customs Enforcement, Hyderabad, after which the Deputy Collector directed the In-charge (ASU), Larkana-I, Customs Check Post Jacobabad, to take custody of the recovered goods, vehicle, and the accused persons. Consequently, the case property, along with the vehicle and five accused persons, was formally handed over to the staff of the Anti-Smuggling Unit, Larkana-I, vide handing/taking-over memo dated 13.02.2026.

5. I have heard the learned counsel for the applicants as well as the learned DPG for the State. My observations and findings are as follows.

6. The investigating officer has stated in the challan that the silver was recovered from the jackets worn by accused Mohammad Umar and Mohammad Siddique. Indeed, the lack of knowledge that these two individuals were carrying the gold has been the primary argument of counsel for Ameer Hamza (driver) and Ravish Mumtaz (passenger). There was a fifth person in the car, Abdul Aziz, who was a juvenile and was discharged by the I.O. The counsel for Mohammad Umar has taken the stance that he was not in the vehicle but could not indicate the malafide on the part of two Federal Agencies to wrongfully accuse him. No substantial defense was taken by the counsel for Mohammad Siddique. Counsel for the accused, Mohammad Umar, however, as an alternative plea, submitted that the silver could be assessed and the taxes/duties collected. Counsels have also argued that possession of silver is not an offense.

7. Sixty kilograms of silver in one-kilogram bars is a substantial quantity. The recovery was made from jackets worn by two of the accused. The remaining two accused, professing ignorance, is prima facie not believable. If their companions were wearing jackets with thirty kilograms hidden in each, even if the two individuals and their jackets were strong enough to lift such a weight, surely the

driver and the passenger would notice it. I agree with the observations made by the learned trial judge. On one account, I tend to differ with the wisdom of the learned trial court. The alleged offense carries a punishment of up to fourteen years, and there is an argument that it could fall within the non-prohibitory clause of section 497 Cr.P.C. Unlike in narcotics cases, no case law has been cited to me which has held that at the bail stage, the higher quantum of sentence is to be considered. Even then, keeping in mind the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I have taken the possession of a large quantity of undocumented silver as an exceptional circumstance to deny the applicants bail.

8. Halfheartedly, the counsels also made the argument that, as Abdul Aziz was discharged earlier, the remaining accused deserve bail on the grounds of consistency. The learned trial court has correctly observed that Abdul Aziz's case is distinguishable, as he was discharged earlier on the ground that he was a juvenile and hence provisions of the Juvenile Justice Act 2018 were taken advantage of.

9. As regards the argument that the requisite duties/taxes/penalties can be assessed and taken from the accused, an application in this regard may be made to the concerned department of the Pakistan Customs. If all applicable duties/taxes/penalties are paid to the State, the accused may repeat their applications seeking bail before the learned trial court.

10. I find no reason to interfere with the learned trial court's well-reasoned order. The bail applications are therefore dismissed.

**JUDGE**