

THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Bail Application No. 122 of 2026

Applicants : (i) Mardan
(ii) Abdul Qahir
Through Mr. Muhammad Asghar
Tareen, Advocate.

The State : Mr. Ashiq Ali Anwar Rana, Special
Prosecutor Customs along with I.O. of
the case namely, Shahid.

Date of hearing : 13-07-2026

Date of decision : 13-07-2026

*FIR/Case No. ASO-346/2026 (HQ)
u/s: 2(s), 16, 17, 178, 187 Customs Act, 1969
punishable under clauses 8(i)(e) and 89(i) of section 156(1)
r/w sections 156(2), 157(2) Customs Act, 1969 and
section 3(1) Import & Exports Control Act, 1950
Collectorate of Customs Enforcement, Karachi*

ORDER

Adnan Iqbal Chaudhry J. - Applicants pray for post-arrest bail in
aforementioned FIR after bail has been denied by the Special Judge
(Customs, Taxation & Anti-Smuggling-I), Karachi by order dated
22.05.2026.

2. As per the FIR lodged by the Preventive Officer of the Anti-Smuggling Organization, on 13.04.2026 at 10:00 hours, a van bearing the logo of a private security company, travelling from Balochistan to Karachi, was stopped at the Mochko Police Checkpoint on suspicion of smuggling; that the Applicants who were riding the van and in the uniform of private security guards, said that they were transporting cash for a bank; however, when the van was searched, it was found carrying cartons containing 4325 boxes of foreign-origin cigarettes of brands 'Tuition' and 'Sona', estimated at a value of Rs. 12,975,000; that no cash or bank documents were found in the van; the Applicants could also not produce documents to show that the cigarettes were lawfully imported into Pakistan; therefore, they were thus arrested for the offence of smuggling as defined in section 2(s) of the Customs Act, 1969, punishable under clauses 8(i)(e) and 89(i) of section 156(1) of said Act.

3. Heard learned counsel and perused the record.

4. Though investigation reveals that the Applicants were disguised as private security guards to throw off suspicion and the van too did not belong to any private security company, the investigation also revealed that the Applicants were neither owners of the smuggled cigarettes nor owners of the van used in the transport. Per the investigation report, the Applicants had in fact been hired by two persons at Sohrab, Balochistan solely to transport the cigarettes to Karachi to a private warehouse. Those two persons, namely Khan Adozai and Muhammad Akram have yet to be arrested. In the case of *Noorul v. The State* (1976 SCMR 190), the Supreme Court granted bail to the crew of a boat used in smuggling after observing that the role of paid servants was not at *par* with the role of the boat's owner who had yet to be brought to trial. The Applicants are also placed in similar mitigating circumstances.

5. Since the Applicants were not the ones who brought or managed entry of the cigarettes into Pakistan, it remains to be seen whether clause 8(i) of section 156(1) of the Customs Act would be attracted to them. As regards the offence punishable under clause 89(i) of section 156(1), the maximum imprisonment provided there is of 6 years, which does not fall within the prohibitory clause of section 497 Cr.P.C.

6. For the foregoing reasons, the Applicants, Mardan and Abdul Qahir are granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs.100,000/- [Rupees One Hundred Thousand only] each 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: 13-07-2026

**PS/SADAM*