THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Bail Application No. 123 to 127 of 2026

Applicant	:	Hafiz Muhammad Asad son of Qamaruddin through M/s. Aqil Ahmed, Fawad Ahmed and Bilal Ahmed Advocate.
The State	:	Through Mr. Khalid Mehmood Rajpar, Advocate.
Date of hearing	:	09-07-2026
Date of decision	:	21-07-2026

FIR No. SI/MISC/01/2024/EXM/AFU
FIR No. SI/MISC/02/2025/EXM/AFU
FIR No. SI/MISC/03/2025/EXM/AFU
FIR No. SI/MISC/04/2025/EXM/AFU
FIR No. SI/MISC/05/2025/EXM/AFU
U/s: 2)s), 32, 32A, 97 and 116 punishable under Clause 8, 14, 14A, 58, 59 and 62 of sub-section (1) of section 156 of Customs Act, 1969, r/w Import and Export Control Act, 1950

O R D E R

Adnan Iqbal Chaudhry J. - Applicant, Hafiz Muhammad Asad, prays for post-arrest bail in aforementioned FIRs after bail has been denied by the Special Judge Customs, Taxation & Anti-Smuggling-II, Karachi *vide* separate orders passed on 15.05.2026. Since the underlying facts are common, all bail applications are being decided together.

2. FIR No. 01/2024 was lodged by Inspector of Customs on 05-09-2025 against officers of M/s. Gerry's dnata **[Gerry's]**, a cargo-handling company at Jinnah International Airport Karachi, and against an importer namely M/s. Khalifa General Traders. It was reported that the Customs Computerized System reflected that two consignments of electronic goods imported by M/s. Khalifa General Traders under (i) IGM No. 3541, Index No.2, BL No.176-06270880 and (ii) IGM No. 3748, Index No. 24, BL No.176-06992694, were lying uncleared at Gerry's shed without GDs and were ripe for auction; but astonishingly, Gerry's reported that both consignments had already been cleared by the Customs and therefore released by Gerry's. Upon

a probe, the Customs discovered that the GDs relied upon by Gerry's to release said consignments pertained to different importers and different goods, which GDs had been duly processed upon payment of duty and taxes. It was therefore alleged that officers of Gerry's were complicit in the removal of unexamined goods upon which customs duty and taxes had not been paid, thereby committing offences under sections 2(s), 32, 32A, 97 and 116 of the Customs Act, 1969, punishable under clauses 8, 14, 14A, 58, 59 and 62 of section 156(1) of said Act. It is alleged that the missing consignments consisted of high-end electronics such as iPads, iPhones, Play-Stations, MacBooks, laptops etc. valued at Rs. 206,010,382/- attracting duty and taxes of Rs. 132,514,608/-.

3. FIR No. 02/2025 was lodged on 02.09.2025 against officers of Gerry's and an importer, namely M/s. Skyway Implex, when an attempt was foiled to take out of Gerry' shed another consignment of like electronic goods in the same fashion as narrated in the first FIR i.e. without payment of duty and taxes. However, this time, the Customs staff at the gate detected the fraud; the consignment was seized and FIR was lodged for same offences as above. Subject goods were valued at Rs. 103,005,191/- with duty and taxes of Rs. 66,257,304/-.

4. During investigation of the first FIR, the I.O. detected that other consignment of like goods had been taken out of Gerry' shed in the same fashion as narrated in the first FIR i.e. without payment of duty and taxes. Hence, FIR No. 03/2025, FIR No. 04/2025 and FIR No. 05/2025 were lodged on 03.10.2025 for like offences against officers of Gerry's and importers namely M/s. Khalifa General Traders and AST Enterprises. It is alleged that while these goods were entered by Gerry's in its computer system, but the import manifests were never entered in the Customs WeBOC system. Goods under FIR No. 03 and FIR No.04 each were valued at Rs. 103,005,191 with duty and taxes of Rs. 66,257,304/-. Goods under FIR No. 05 were valued at Rs. 34,335,063/- with duty and taxes of Rs. 22,085,768/-.

5. The Applicant, a cargo agent employed by Gerry's, was suspected to be complicit in aforesaid offences. Initially an absconder, he was eventually arrested.

6. Heard learned counsel and perused the record.

7. The interplay between Gerry's and the Customs upon import of consignments through the airport is discussed in the investigation report as follows. It is stated that the Customs officer verified import documents, counter-signed the Airway Bills and handed over the documents to Gerry's staff for further process. Gerry's staff compiled the documents in an MDB file in its own iCargo computer system and thereafter uploaded that file to the Customs WeBOC computer system against the allotted IGM number, and the WeBOC assigned Index numbers to the consignment. As per the I.O., Gerry's iCargo system was not integrated with the Customs WeBOC system in real time, which loophole was exploited by Gerry's staff who deleted/omitted certain Airway Bills from its MDB file before uploading that file to the Customs WeBOC system, thus concealing imported consignments/ goods from the Customs clearance system. It is alleged that by the same device, the Customs was kept in the dark when Gerry's staff used unrelated GDs and challans to issue delivery notes and gate-passes to release certain consignments/ goods.

8. As regards the Applicant's role in the aforesaid, the investigation report states that he had been assigned by Gerry's to the manifestation section, where his responsibilities included the preparation and electronic filing of cargo manifests in the Customs WeBOC system; that he was actively involved in overseeing the physical handling, storage and delivery of cargo consignments; that he influenced other staff of Gerry's, in particular cargo agent Momina Mumtaz, to issue delivery notes and gate-passes for subject consignments by using fake/unrelated documents.

9. The foregoing discussion is made to highlight that the *modus operandi* of the fraud alleged, which is traced to concealment of Airway Bills from the Customs clearance system, necessarily entails a scrutiny of Airway Bills that were manifested and compiled in Gerry's iCargo computer system. Such minute scrutiny of the evidence is neither possible nor desirable as the stage of bail.

10. It is alleged that since the Applicant was posted in Gerry's Manifestation Section, he was complicit in omitting/deleting Airway Bills from Gerry's files before those were uploaded to the Customs WeBOC system. However, the investigation report filed in respect of FIR No. 01, FIR No. 02, FIR No. 03 and FIR No. 05, names other cargo agents of Gerry's as the ones who had manifested the imported consignments, not the Applicant.

11. It is alleged that the Applicant oversaw the processing of delivery notes and gate-passes for the missing goods from Gerry's shed. But then, the investigation reports do not highlight any delivery note or gate-pass that bears the Applicant's signature. In fact, the investigation reports state that most delivery notes and gate-passes were processed and issued by the co-accused Momina Mumtaz and other cargo agents.

12. It is alleged that the importer M/s. Khalifa General Traders, is a non-operational entity, registered by co-accused Muhammad Bashar Ali, who lent its use to co-accused Adil Akbar; and that goods subject matter of FIR No.01 were delivered to co-accused Adil Akbar, who was arrested, and during interrogation he implicated the Applicant. Suffice to say that extra-judicial statement made by co-accused Adil Akbar to implicate the Applicant is of no evidentiary value. In any case, the money trail from the alleged beneficiary of the goods to the Applicant has yet to be proved. The supplementary challan dated 16.06.2026 itself states that *"investigation remains inconclusive at this stage"*.

13. In view of the foregoing, the case against the Applicant calls for further inquiry into his guilt, thus falling within the ambit of sub-section (2) of section 497 Cr.P.C.

14. Co-accused Adil Akbar, the alleged beneficiary of the goods in FIR No.01, was granted bail by the trial court by order dated 15.12.2025. Co-accused Muhammad Bashar Ali, who was the declared importer in FIR No.01, was also granted bail by this Court by order dated 08.04.2026. Co-accused Sharjeel Ahmed Khan, who was arrested as the benami owner of the importer AST Enterprises, was granted bail by the trial court in FIR No. 05 by order dated 07.01.2026. Co-accused Momina Mumtaz, who processed most of the delivery notes and gate-passes, was granted bail by the trial court in FIR No. 01 by order dated 30.09.2025. Therefore, the Applicant is also entitled to bail on the rule of consistency.

15. Applicant's custody is no longer required for investigation. Therefore, there is no purpose in keeping him behind bars pending trial. It is settled law that if there are grounds otherwise to grant bail, same cannot be withheld by way of punishment.

16. For the foregoing reasons, the Applicant, Hafiz Muhammad Asad, is granted post-arrest bail in FIR No. 01/2024, FIR No. 02/2025, FIR No. 03/2025, FIR No. 04/2025 and FIR No. 05/2025 subject to submitting solvent surety of Rs. 200,000/- (Rupees Two Hundred Thousand only) in each case, along with PR Bond in like amount to the satisfaction of the trial court.

Needless to state that foregoing observations are tentative, and nothing herein shall be construed to prejudice the case of either side at trial. Office to place a copy of this order in the connected bail applications listed above.

JUDGE

Karachi
Dated: 21-07-2026
**PS/SADAM*