

THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Appeal No. 20 of 2026

[Muhammad Javed v. The State]

Petitioner : Muhammad Javed through M/s. Iftikhar Ahmed Shah, Muhammad Naeem Awan and Ibtisam Sadiq, Advocates.

Respondent : The State through Collectorate of Customs JIAP, Karachi through Mr. Naimat Ullah Soomro, Advocate.

Date of hearing : 06-08-2026

Date of decision : 06-08-2026

ORDER

Adnan Iqbal Chaudhry J.- Mr. Naimat Ullah Soomro, Advocate files vakalatnama for the Customs. Learned counsel for the Appellant prays for suspension of sentence under section 426 Cr.P.C. He submits that even though findings in the impugned judgment were made in favor of the Appellant, he was nonetheless convicted. He further submits that the sentence awarded to the Appellant is a short one, whereas he remained on bail throughout trial.

2. By the impugned judgment dated 14.07.2026, the Appellant has been convicted by the Special Judge (Customs, Taxation & Anti-Smuggling-II), Karachi for the offence of smuggling betel nuts and sentenced as follows:

“(i) For offence punishable under clause 8(i)(c) of subsection (1) of section 156 of the Customs Act, 1969, accused above named is sentenced to Rigorous Imprisonment for Three (03) years.

(ii) for the offence punishable under clause (89)(i)(c) of subsection (1) of section 156 of the Customs Act, 1969, accused above named is sentenced to undergo Rigorous Imprisonment for three (03) years and to pay a fine of amount of Rs.10,000,000/- (Rupees Ten Million only). In default of payment of fine, he shall further undergo Simple Imprisonment for one (01) year. .”

3. Apparently, the Appellant was not arrested at the time of the FIR, which was registered after conducting a raid/search of a

building to recover betel nuts and material used for manufacturing supari. The Appellant was in fact arrested during investigation when the I.O. of the case visited the same building and allegedly found the Appellant to be using betel nuts to manufacture supari. As per the deposition of PW-3 noted in the impugned judgment, no recovery of betel nuts was made from the Appellant at the time he was arrested. The judgment also goes on to notice that the evidence relied upon by the prosecution was not admissible against the Appellant, and yet, the trial Court proceeded to convict him.

4. The sentence awarded to the Appellant is a short one, whereas he remained on bail throughout the trial. Though counsel for the Customs opposes the application, in view of the foregoing I am inclined to allow the same.

5. Therefore, the sentence awarded to the Appellant by judgment dated 14.07.2026 in the Case No.173/2023 arising from FIR NoASO-294/2023-HQ, is suspended, and the Appellant is granted bail under section 426 Cr.P.C. subject to furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand only) and P.R. bond in like amount to the satisfaction of the Nazir of this Court. MA No.11103/2026 is allowed in said terms.

JUDGE

**PS/SADAM*