

THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Application No. 109 of 2025

[Ranjhan Shar v. The State]

Applicant : Ranjhan Shar son of Mughal Khan through
Mr. Ghulam Nabi Shar, Advocate.

Respondent : The State, through Mr. Muhammad
Ishaque Pirzada, Advocate.

Mr. Muhammad Khalid Javed Raan,
Deputy Attorney General for Pakistan.

Date of hearing : 13-05-2025

Date of decision : 13-05-2025

*C.No.99-Cus/Seiz/JOB:CP/2024-25/1635
FIR No. 06/2024-25/1632 dated 12.03.2025
U/s:2(s) and 16 of the Customs Act, 1969 punishable
Under clause 85(a) and (89) of Section 156(1) and
Section 157(1)(2) of the Custom ibid.
P.S. Customs Office, Sukkur.*

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-I), Karachi by order dated 28.04.2025.

2. Heard learned counsel and perused the record.

3. The FIR was lodged on 12.03.2025 @ 5:30 p.m. alleging that on 11.03.2025 @ 09:30 a.m. the Anti-Smuggling Unit, Larkana, intercepted a truck fitted with tanks carrying High-Speed Diesel [HSD] suspected to be smuggled from Iran; that while the Customs staff was escorting the truck from Jacobabad to the State warehouse at Sukkur, they were attacked by unknown persons who 'snatched' the truck; however, the Anti-Smuggling Unit soon managed to recover the truck and took it to the State warehouse at Sukkur; that 5885 liters of HSD was seized from the truck and the driver of the truck (Applicant) was arrested for the offence of smuggling, punishable under clause 89(i) of section 156(1) of the Customs Act,

and for the offence of assaulting Customs officers, punishable under clause 85(a) of section 156(1) of the Customs Act.

4. The events narrated in the FIR are vague and perplexing. The FIR does not detail how the truck was 'snatched' from the Customs staff, and how and when it was recovered. Though the incident took place on 11.03.2025 at 09:30 a.m., the FIR was lodged on 12.03.2025 at 05:30 p.m. without explaining the delay. It is not alleged that the Applicant was complicit with persons who allegedly assaulted the Customs officers and snatched the truck. Nevertheless, it has yet to be established that the HSD seized from the truck is of Irani-origin. The FIR is silent on any sample having been drawn to test the HSD for its origin.

6. The investigation is that documents of ownership of the truck and the HSD recovered from the truck bear the name of other persons, not the Applicant. Those persons have not been arrested thus far. Therefore, the Applicant's version that he was merely hired as a driver for the truck without knowledge that the HSD was smuggled, cannot be ruled out at this stage. In other words, the case against the Applicant is of further inquiry into his guilt, falling within the ambit of sub-section (2) of section 497 Cr.P.C.

7. Of the offences alleged against the Applicant, the offence under clause 85(a) of section 156(1) of the Customs Act does not prescribe imprisonment exceeding two (02) years. The maximum imprisonment permissible under clause 89(i) of section 156(1) of the Customs Act also does not exceed six (06) years. Therefore, none of the offences alleged against the Applicant fall within the prohibitory clause of section 497 Cr.P.C. In such circumstances, grant of bail becomes the rule and its refusal the exception.

8. In view of the foregoing, the Applicant Rajhan Shar son of Mughal Khan is granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 300,000/- [Rupees

Three Hundred Thousand only] 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: 13-05-2025

*PA/SADAM