

**IN THE HIGH COURT OF SINDH AT KARACHI**

Spl. CrI. Bail Application No. 152 of 2025

Applicants : Muhammad Waseem & Izat Ullah  
through Ms. Dil Khurram Shaheen,  
Advocate

Complainant : through Mr. Ashiq Ali Anwar Rana,  
Advocate

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

Date of hearing : 05.06.2025

Date of Short Order : 05.06.2025

Date of reasons : 03.07.2025

**ORDER**

Omar Sial, J: A team of the Pakistan Customs was doing routine checking of vehicles when it received information that an attempt to smuggle non-duty paid mobile phones will be made. A bus was stopped, the driver of which was Mohammad Waseem and the cleaner was Izatullah (the two gentlemen seeking post-arrest bail). The passengers of the bus were all taken off and the luggage on the bus off-loaded. The bus was checked and from a secret cavity at the rear of the bus an assortment of 351 old and used mobile phones were found. The passengers of the bus were all asked if the phones belonged to them but they professed ignorance.

2. All that the investigation has revealed to date is that the two applicants were employees of a business entity known as J.J. Movers and were assigned duty to drive the bus from Quetta to Khuzdar and then to Karachi. The bus was full of

passengers and their baggage. In this situation whether the driver and cleaner were in conscious possession has to be established at trial. It is the Customs case that as the phones were in a secret cavity hence the driver and cleaner are responsible. The bus was admittedly not owned by either applicant and there is no investigation on record to show who the owner of the vehicle was and whether he has been questioned in connection with the recovered phones. There is nothing on record to show where these phones came from and whether movement of these phones within the country would tantamount to smuggling. No reports from the tax department have been collected in connection with these phones. The fact that absolutely no investigation has been done is apparent from the fact that the contents of the F.I.R. and the challan submitted are exactly the same. The challan indicates that it is a replica of the F.I.R. No specific details of the phones recovered has been brought forward by the learned Special Prosecutor. No IMEI numbers. No identifying marks of the seized phones is on record. The challan filed by Customs also does not contain these details. The case against the applicants is one of further inquiry.

3. Above are the reasons for the short order dated 05.06.2025.

JUDGE