

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SCRA No.947 of 2024

Date	Order with signature of Judge(s)
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- 1. For order on office objection
- 2. For hearing of CMA No.4234/2024
- 3. For hearing of main case
- 4. For hearing of CMA No.4235/2024

03.12.2025

Mr. Faheem Raza Khuhro advocate for the applicant

Learned counsel has pressed the following question for determination: -

Whether the Customs Appellate Tribunal has erred in law by releasing the vehicle upon payment of redemption fine without acknowledging that conveyance used for transportation of smuggled goods (Indian Origin Gutkha) cannot be released on payment of redemption fine in violation of SRO 499(I)/2009 dated 13.06.2009 as amended vide SRO 1691(I)/2024 dated 03.10.2024?

Despite service having been effected, the respondent has opted to remain unrepresented without intimation and explanation. Learned counsel for the applicant states that the question has been squarely decided in favour of the department by the Supreme Court vide judgment dated 29.10.2025 in Civil Petition Nos.2853 and 2854 of 2025. The operative constituent of the judgment is reproduced as under; -

- “10. The reasoning adopted by the Tribunal, treating the words "liable to confiscation" occurring in section 157(2) as a matter of discretion, was misconceived and contrary to the clear mandate of the Act as reinforced by the binding precedent of this Court in Bashir Ahmed (supra). The High Court, by affirming such view and construing the amending S.R.O. 1619(I)/2024 dated 03.10.2024 as discretionary, overlooked the enduring operation of the amended notification above, thereby falling into error apparent on the face of the record. Their interpretation that the case involved discretionary confiscation under section 157(2) is misconceived.
- 11. In view of the forgoing discussion, this petition is converted into an appeal and allowed. The judgment dated 20.05.2025 of the Peshawar High Court in Custom Reference No.84-P/2025 and the judgment dated 13.03.2025 of the Customs Appellate Tribunal, Peshawar are set aside. Consequently, Order-in-Original No.367/2024 dated 18.12.2024 passed by the Additional Collector of Customs (Adjudication),

Islamabad, Camp Office, Peshawar, ordering outright confiscation of the goods and vehicle, is restored.

Civil Petitions No.2854 and 3566 of 2025: In view of the findings recorded and conclusion drawn in the connected case (Civil Petition No.2853 of 2025), these petitions are converted into appeals and the same are allowed. The impugned judgments of the High Court are set aside.

Civil Petition No.3886 of 2025: In view of the findings recorded and conclusion drawn in the connected case (Civil Petition No.2853 of 2025), this petition is dismissed and leave to appeal is refused.”

Learned counsel states that the aforementioned judgment squarely binding on this Court, therefore, in *mutatis mutandis* application thereof, the question framed for determination be decided in favour of the applicant-department and the impugned judgment be set aside. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge

Zahid/*