

THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Bail Application No. 257 of 2025

Applicants : (i) Abdul Malook son of Nazar Gul
(ii) Abdul Siddiq son of Abdul Rasheed

Through M/s. Khuda-e-Nazar and Abdul Kareem Bhutto, Advocates.

The State : Through Mr. Ashiq Ali Anwar Rana, Special Prosecutor Customs along with I.O. namely, Muqadas.

Date of hearing : 08-10-2025

Date of decision : 08-10-2025

*FIR No. ASO-433/2025-(HQ)
u/s: 2(s), 16, 17, 157(1)(2), 178 and 187
of the Customs Act, 1969 and section 3(1) of the
Import and Exports Control Act, 1950,
punishable under clauses (8) & (89) of section
156(1) r/w section 157(2) of the Customs Act, 1969,
Registered at Customs Office, Sukkur.*

ORDER

Adnan Iqbal Chaudhry I. - Applicants seek 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 11.09.2025.

2. As per the FIR, on a tip-off, a team of the Anti-Smuggling Organization Customs, intercepted a water tanker entering Karachi at Lucky Toll Plaza, Hub River Road; that a search of the water tanker revealed 1200 kg of foreign-origin betel nuts concealed in secret cavities of the water tanker, valued at Rs. 801,023; therefore, Applicant No.1 was arrested as the driver of the water tanker and Applicant No.2 as his accomplice. Both Applicants were booked for the offence of smuggling as defined in section 2(s) of the Customs Act, 1969 punishable under clauses (8) and (89) of section 156(1) of the Customs Act.

3. Heard learned counsel and perused the record.

4. It is not alleged that either of the Applicants is owner of the water tanker from which betel nuts were seized. The Applicants also do not claim ownership to the seized betel nuts, rather submit that they were merely employed on daily wages as drivers for the water tanker. In such circumstances, the plea of the Applicants that they were unaware of betel nuts hidden in the secret cavity of the water tanker cannot be ruled out at this stage.

5. Given the value of the seized betel nuts viz. Rs. 801,023/-, the maximum term of imprisonment prescribed in clauses (8) and (89) of section 156(1) of the Customs Act is 02 and 06 years respectively. Therefore, the offence alleged also does not fall within the prohibitory clause of section 497 Cr.P.C., thus making grant of bail the rule and its refusal the exception.

6. In view of the foregoing, the Applicants Abdul Malook son of Nazar Gul and Abdul Siddiq son of Abdul Rasheed are granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs.100,000/- [Rupees One Hundred Thousand only] each 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: 08-10-2025

**PS/SADAM*