

# THE HIGH COURT OF SINDH KARACHI

## Spl. Cr. Bail Application No. 203 of 2025

### For hearing of Bail Application.

Applicant/ Accused : Abdullah son of Ahmed Abdullah through M/s. Muneer Ahmed Gilal and Sarfaraz Metlo, Advocates.

The State : Through Mr. Haad Abid, Special Prosecutor Customs along with I.O. Aijaz Hussain.

Date of hearing : 04-11-2025

Date of order : 04-11-2025

*FIR No. 02/2025-26 dated 24.01.2025  
u/s: 15, 16, 32(1) & 131 of Customs Act, 1969  
r/w Arms Act, 1878, as envisaged vide clause 15(b)  
of Export Policy Order, 2022 r/w Sr. No.11 of Schedule-II  
of Export Policy Order, 2022 punishable under sub-section  
9, 14 & 66 of section 156 of the Customs Act, 1969  
P.S. Collectorate of Customs (Exports) PMBQ, Karachi*

## 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) Karachi *vide* order dated 15-03-2025.

2. Heard learned counsel for the Applicant and the Special Prosecutor Customs.

3. The FIR, lodged on 24-01-2025, was that a consignment of 2060 ceiling fans manufactured in Pakistan, intended for export to Oman, was stopped and examined at the QICT Yard, Port Qasim, which revealed that 1464 pistols (.30 bore and 9 mm) were concealed in the plastic base cavity of the ceiling fans. The pistols were seized; their value estimated Rs. 43,920,000/-; the exporter namely M/s. Fate Enterprises, and the clearing agent namely Brisking Enterprises, their abettors and beneficiaries were booked for the offence under section 32 of the Customs Act, 1969 [Act], punishable under clauses 9, 14 and

66 of section 156(1) of the Act. As investigation progressed, the offence of smuggling, as per section 2(s) of the Act, punishable under clause 8(i) of section 156(1) of the Act, was added to the final challan dated 24.04.2025.

4. The third supplementary challan, dated 15-10-2025, further added offences under sections 6, 19(c) and 20 of the Arms Act, 1878. It is submitted by learned Special Prosecutor that said provisions of the Arms Act, 1878, dealing with the import and export of arms and ammunition, were not repealed by the West Pakistan Arms Ordinance, 1965; and that, section 15 of the Export Policy Order, 2022 stipulates that restrictions imposed by the Arms Act, 1878 shall be treated as restrictions under the Export Policy Order. But even so, section 3(3) of the Imports and Exports (Control) Act, 1950 in turn stipulates that goods prohibited or restricted by the Export Policy Order shall be deemed to be goods prohibited or restricted by section 16 of the Customs Act. Pursuant thereto, 'arms and ammunition' were notified *vide* SRO 566(I)/2006 (dated 06.06.2005), issued under clause (ii) of section 2(s) of the Customs Act, as goods subject matter of smuggling. Therefore, the offence of smuggling, punishable under clause 8(i) of section 156(1) of the Customs Act, would cover the smuggling of arms and ammunition as well.

5. Coming back to the facts, M/s. Fate Enterprises, which was named as exporter of the ceiling fans in the GD, was registered as sole proprietorship of Rozina Abdullah, who was the Applicants' spouse. She stated that she was proprietor only in name, and that the business was of the Applicant. The Applicant, along with his son Zain Abdullah, were arrested on 03-02-2025. Rozina Abdullah and Zain Abdullah were granted bail finding that they were not the ones running said business.

6. Investigation revealed that certain Yemeni nationals in Pakistan, in particular Amaar, Abdul Moeen and Faiz, purchased the ceiling fans from Gujrat and the pistols from various arms dealers in

Peshawar, and then employed a network of persons to conceal the pistols in the ceiling fans, to transport the goods to Karachi, and to file export documents for ceiling fans with the aim of smuggling the concealed pistols out of Pakistan. It is alleged that the Applicant was the one who managed the last leg of the attempt to smuggle.

7. Learned counsel for the Applicant submits that even if the facts narrated in the challan were to be believed, the case alleged against the Applicant is, in the very least, a case of further inquiry, and therefore he is entitled to bail.

8. To deny bail to the Applicant, learned Special Prosecutor submits that investigation establishes that it is the Applicant who carries on business as M/s. Fate Enterprises, which is named as exporter in the GD; that ties between the Applicant and said Yemeni nationals is established with the Applicant's travel history to Yemen and the fact that he made lodging arrangements for them in Pakistan; that he received the goods at Karachi and supervised the warehousing pending export documents; and that one of the Yemeni nationals arrested also stated he was informed by his partners that the Applicant had knowledge of the concealed pistols.

9. Assuming that it was the Applicant who was running business as M/s. Fate Enterprises, the exporter named in the GD, and that he facilitated the Yemeni nationals in making export arrangements from Pakistan, that *ipso facto* does not establish that he had knowledge of the pistols concealed inside the ceiling fans. Admittedly, he was not the purchaser of the ceiling fans or the pistols. It may well be that the Applicant was merely facilitating the Yemeni nationals in exporting ceiling fans and providing services to procure legitimate export business. The statement of the arrested Yemeni national that he was informed that the Applicant had knowledge of the concealed pistols, if not heresy, is statement of a co-accused person in custody, and therefore does not have evidentiary value at this stage.

10. In the foregoing circumstances, the question whether the Applicant had knowledge that the ceiling fans were only a facade to smuggle arms out of Pakistan, requires evidence. Thus, the case against the Applicant is one of further inquiry into his guilt, falling with the ambit of sub-section (2) of section 497 Cr.P.C.

11. For the foregoing reasons, the Applicant Abdullah son of Ahmed Abdullah is granted bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 1,000,000/- (Rupees One Million Only) alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations above are tentative and shall not be construed to prejudice the case of either side at trial.

**JUDGE**

*SHABAN\**