

# THE HIGH COURT OF SINDH KARACHI

## **Present:**

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

C.P. No. D - 4456 of 2025

[Shoaub Ullah versus The Federation of Pakistan & others]

Petitioner : Shoaub Ullah through M/s. Amjad Hayat and Sardar M. Ishaque, Advocates.

Respondent No. 1 : Nemo.

Respondent No. 2 : The Collector of Customs Appraisal (PMBQ), Karachi through M/s. Sardar Zafar Hussain and Muhammad Siddique, Advocates.

Date of hearing : 25-09-2025

Date of decision : 25-09-2025

## **ORDER**

**Adnan Iqbal Chaudhry J.** - The Petitioner imported two consignments of Industrial Rubber Hose and PVC Hose Pipe. Upon examination, the first consignment under G.D. No. KPPI-HC-1920-10-07-2025 was held to be prohibited under the Import Policy Order, 2022 vide Order-in-Original dated 09.08.2025 and the same was ordered to be confiscated outright. Such order is presently in appeal before the Collector of Customs (Appeals). The second consignment under G.D. No. KPPI-IB-9375-18-08-2025 was also found to be in contravention of the Customs Act, 1969 and a show-cause notice has recently been issued to the Petitioner. The Petitioner prays that while aforesaid proceedings are pending, the goods may be shifted to a State Warehouse i.e. the CPF Bond to avoid further demurrage and detention charges.

There is force in the Petitioner's submission that the order of confiscation of the first consignment has yet to be tested in appeal; that the show-cause notice in respect of the second consignment has yet to be determined; and therefore, for any further proceedings under the Customs Act, detaining the goods at the port serves no

purpose to the Customs, rather it is the Petitioner who may end up saddled with demurrage and detention charges. Though learned counsel for the Customs opposes the petition, he does not advance any convincing reason for detaining the goods at the port. On the other hand, clause 34 of CGO No. 12/2002 dated 15.06.2002 relied upon by the Petitioner's counsel envisages that even confiscated goods are to be shifted to the State Warehouse till further proceedings where those remain in custody of the Customs. Therefore, we allow the petition and direct the Respondent No.2 to shift the Petitioner's goods imported under G.D. No. KPPI-HC-1920-10-07-2025 and G.D. No. KPPI-IB-9375-18-08-2025 to the CPF Bond at the expense of the Petitioner, which shall be without prejudice to further proceedings by the Customs.

JUDGE

JUDGE

*\*PS/SADAM*