

THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Appeal No. 22 of 2026

[Gul Zaman v. The State]

Petitioner : Gul Zaman son of Noor Zaman Khan
through Mr. Abdul Wahab Choochan,
Advocate.

Respondent : The State through Collectorate of
Customs JIAP, Karachi through Mr.
Naimat Ullah Soomro, Advocate.

Date of hearing : 10-08-2026

Date of decision : 10-08-2026

ORDER

Adnan Iqbal Chaudhry J.- This order decides an application under section 426 Cr.P.C.

2. By the impugned judgment dated 14.07.2026 passed by the Special Judge (Customs, Taxation & Anti-Smuggling-II), Karachi, the Appellant has been convicted for the offence of smuggling, as defined in section 2(s) of the Customs Act, 1969 (**the Act**), and sentenced concurrently to imprisonment of five and one year respectively along with fine under clauses 8(i) and 89(i) of section 156(1) of the Act.

3. The Appellant was the driver of the oil tanker, allegedly transporting smuggled diesel and unloading the same into drums and tanks at a petrol pump. The trial court did not find him to be the owner of said diesel or the owner of the tanker. Surprisingly, no other person was arrested and tried for the alleged smuggling.

4. Apparently, the diesel was seized at a petrol pump within the city and not near any border area. Though a sample of the seized diesel was sent for a lab test, the impugned judgment does not discuss the findings in the lab report. Prima facie, the prosecution did not explain how they concluded that the seized diesel was smuggled into Pakistan. The other consideration is that the Appellant remained on bail throughout the trial.

5. Though learned counsel for the Respondent opposes the application, in view of the foregoing I am inclined to grant the same. Therefore, the sentence awarded to the Appellant by judgment dated 14.07.2026 in the Case No.41/2019 arising from FIR No. ASO-28/2019-HQ, is suspended, and the Appellant is granted bail under section 426 Cr.P.C. subject to furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand only) and P.R. bond in like amount to the satisfaction of the Nazir of this Court. M.A. No.11196/2026 is allowed in said terms.

JUDGE

****PS/SADAM***