

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Spl. Criminal Bail Applications No. 15 of 2022  
[Haresh Kumar v. The State]

Spl. Criminal Bail Applications No. 16 of 2022  
[Sanjay Kumar v. The State]

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of bail application.

**28-04-2022**

Mr. Shamail Sikandar, Advocate for the Applicants.  
Mr. Ashiq Ali Anwar Rana, Special Prosecutor Customs.

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FIR No. M-3232/DCI/Seiz/2022 dated 20.1.2022  
under sections 2(s), 16 & 178 of the Customs Act, 1969  
punishable under clauses (8) and (89) of sub-section (1) r/w  
sub-section (2) of section 156 of the Customs Act, 1969  
PS Directorate General Intelligence & Investigation  
Customs, Regional Office Karachi

**Adnan Iqbal Chaudhry J.-** The FIR was lodged after a large quantity of foreign-origin smuggled liquor, estimated at a value of Rs. 61,985,000/, was seized by the Directorate General of Intelligence and Investigation-Customs on discovering a network of supply of such smuggled goods that operated from three bungalows in DHA, Karachi; hence offences under clauses 8(i)(e) and 89(i) of section 156(1) of the Customs Act, 1969. The two persons arrested from the spot, namely Mukesh Kumar and Yasir Abbas, had disclosed the owners of the goods to be Vakesh Kumar and Abdul Khaliq alias Khalid Soomro, and had also implicated others as part of the network. Mukesh Kumar and Yasir Abbas were denied bail by this Bench, but were granted bail by a learned Division Bench primarily on the ground that the date of search of the bungalow where said accused persons were found, did not reconcile with the FIR. The present applicants, namely Sanjay Kumar and Haresh Kumar, were not amongst the persons named in the FIR but were subsequently implicated in the challan. They were denied bail by the trial Court hence these bail applications

2. Heard the learned counsel and perused the record.

3. Per the investigation, the CDR revealed that the applicant Sanjay Kumar was in continuous touch over the phone with the main accused, Vakesh Kumar; that he had also transferred funds to different bank accounts in Lahore which eventually found way to Vakesh Kumar. As regards the applicant Haresh Kumar, it is alleged that a number plate recovered from one of the bungalows containing the smuggled goods, was of a vehicle registered in his name and that he was an associate of Sanjay Kumar; and that both the applicants had lead to the recovery of record relating to the smuggled goods from a bungalow at Saba Avenue from where they were arrested; hence they were part of the network of smuggling.

4. On the other hand, per learned counsel for the applicants, Sanjay Kumar has been implicated solely because he happens to be the brother of the main accused Vakesh Kumar. Learned counsel has produced documents to show that Sanjay Kumar is employed with the State Life Insurance Corporation at Quetta. He submitted that the bungalow at Saba Avenue from where both applicants were arrested was also the residence of Sanjay's mother where the applicants had gone to visit here; and that the record recovered from there had nothing to do with the applicants.

5. The explanation presented by learned counsel for the applicants for their presence at the bungalow from where they were arrested and from where certain record of the smuggled goods was also recovered, cannot be said to be implausible at this stage. Though the bail granted by the Division Bench to the accused Mukesh Kumar and Yasir Abbas is on a different footing, the questions whether the CDR of the phones of the applicant Sanjay and his brother Vakesh also implicates the former as an accomplice, whether any funds transferred by Sanjay Kumar were for the benefit of Vakesh or as proceeds of offending goods, and whether Haresh Kumar was also part of the smuggling network owing to the number plate recovered, are matters that require a deeper

appreciation of the evidence which is not possible at the stage of bail.

6. In view of the foregoing, the case against the applicants is one of further inquiry. Therefore, the applicants, Haresh Kumar and Sanjay Kumar are granted bail FIR No. M-3232/DCI/Seiz/2022 dated 20.1.2022 subject to furnishing solvent surety in the sum of Rs. 500,000/- [Rupees Five 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 nothing herein shall be construed to prejudice the case of either side at trial.

**JUDGE**

Karachi  
Dated: 28-04-2022

\*PA/SADAM