

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-7821 of 2019

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DATE	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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1. For hearing of Misc. No.34523/2019
  2. For hearing of main case
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**17.02.2020**

Mr. Zain A. Jatoi, advocate for petitioner  
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General  
Mr. Khalid Rajpar, advocate for respondent a/w IO Waqas Rashid,  
Preventive Officer

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Learned counsel for petitioner has placed copy of Order-in-Original No.644/2019-20 dated 07.01.2020, passed by Collector of Customs (Adjudication-I), Custom House, Karachi wherein, according to learned counsel for petitioner, it has been held that no violation of any provision of the Customs Act, 1969 and Customs Rules, 2001 has been made out; the show cause notice issued to the petitioner has been vacated, whereas, respondents were directed to release the trailer bearing Registration No.TLA-263 along with container/consignment bound for transit to Afghanistan after necessary formalities as required under the law as there is no fault of the Afghan importer. However, according to learned counsel for petitioner, perhaps under the pressure of Collectorate of Preventive, Corrigendum dated 30.01.2020 has been issued whereby personal penalty of Rs.20,000/- each has been imposed upon petitioners 1 and 2 as well as driver, namely Izzatullah son of Haji Hanifia. Per learned counsel, the petitioners are even willing to deposit such penalty though it has been imposed in violation of law, however, requests that the respondents may be directed to release the trailer and the consignment whereas petitioner will seek further remedy by approaching the trial court, seeking quashment of FIR in according with law.

IO present in Court along with learned counsel for respondents was asked to assist this Court as to whether any pilferage or violation of Afghan Transit Scheme has been made by the petitioners in the instant case, in response, he candidly stated that there was no pilferage nor any violation of Afghan Transit Scheme has been made except the violation by the driver of trailer to the extent that he has loaded 32 bags of saw dust on the top of the container.

In view aforesaid facts, instant petition stands disposed of with direction to the respondents to release the trailer and the container within seven days and

submit compliance to this Court through MIT-II. However, the petitioners shall join investigation and cooperate with the prosecution agency, and shall surrender themselves before the trial Court and may obtain bail in accordance with law within seven days from the date of receipt of this order, whereafter, petitioners will be at liberty to seek further remedy i.e. quashment of FIR by filing application under section 265-K, Cr.PC, which may be decided at an early date in accordance with law.

Instant petition stands disposed of along with listed application in the above terms.

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*Gulsher/PS*