

# THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Bail Application No. 09 of 2025

Applicant/ Accused : (i) Ali Murad son of Badeen  
(ii) Muhammad Ishaq son of Abdul Khaliq  
(iii) Muhammad Rafiq son of Haji Dil Murad

Though Ms. Dil Khurram Shaheen,  
Advocate.

The State : Mr. Ashiq Ali Anwar Rana, Special  
Prosecutor Customs along with I.O.  
M. Sagar.

Date of hearing : 06-02-2025

Date of order : 06-02-2025

*Case No. ASO-1129/2024/HQ  
U/s: 2(s), 16, 17, 178, 187, 157(1)(2) of the  
Customs Act, 1969 punishable under clause  
(e)(i) of clause(8) and clause (89) of section 156(1)  
r/w Section 156(2) and Section 3(1) of the Import &  
Export Control Act, 1950*

## ORDER

**Adnan Iqbal Chaudhry J.** - The Applicants seek post-arrest bail in the aforesaid crime after the same has been declined by the Special Judge (Customs Taxation and Anti-Smuggling-I), Karachi by order dated 10.01.2025.

2. Heard learned counsel and Special Prosecutor and perused the record.

3. Per the FIR, information was received from the Military Intelligence that in a truck with a reefer parked near a shed of a transport company at Hawksbay Road, Karachi was carrying smuggled goods. The Anti-Smuggling Organization reached the spot and found the Applicants present in the cabin of the truck as driver (Applicant No.1), assistant driver (Applicant No.2) and cleaner (Applicant No.3) who produced a bilty along with a GD which

referred to the contents of the reefer as boxes of apples. However, upon search, it was discovered that behind the boxes of apples there were bags of Iran-origin Permeate Powder (a dairy ingredient). A search of the shed where the goods were off-loaded led to the recovery of different brand of skimmed milk powder of Iran-origin. Therefore, the Applicants were arrested for the offence of smuggling.

4. As pointed out by learned counsel for the Applicants, neither the Permeate Powder nor skimmed milk powder find mention in the list of smuggled goods vide SRO No. 566(1)(2005) dated 06.06.2005 issued under section 2(s) of the Customs Act, 1969. Therefore, the offence of smuggling and its punishment prescribed in clauses 8 and 89 of section 156(1) of said Act do not seem to be attracted. Reliance can be placed on the cases of *Shabbir Ahmed Shah v. Pakistan* (1980 PCrLJ 349) and *Hiam Tabbara v. Director-General, Pakistan Coast Guards* (PLD 1980 Karachi 44). The case against the Applicants becomes one of further inquiry falling within the ambit of sub-section (2) of section 497 Cr.P.C.

5. For the foregoing reasons, the Applicants are granted bail in the aforesaid FIR subject to furnishing solvent surety in the sum of **Rs.300,000/- [Rupees Three Hundred Thousand only]** each alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

**JUDGE**

\*PA/SADAM\*