

THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Application No. 87 of 2025

[Asif Meer v. The State]

Applicant : Asif Meer son of Jannat Meer Khan
through M/s. Najeebullah Shar and Abdul
Manan, Advocates.

Respondent : The State, through Ms. Jameela Siraj,
Advocate.

Date of hearing : 18-04-2025

Date of decision : 18-04-2025

*FIR No. 4505/20256
U/s: 2(s), 16 and 157 of the Customs Act,
1969 Punishable under clause (8) and (89)
of Section 156(1) of the Act ibid.
P.S. Battalion (Qasim), Pakistan Coast guards, Gharo*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant seeks post-arrest bail in the aforesaid crime after the same has been declined by the Special Judge (Customs, Taxation & Anti-Smuggling-I), Karachi by order dated 26.03.2025.

2. Heard learned counsel and perused the record.

3. The FIR is that during a road-check at Thatta Bridge by officers of Pakistan Coast Guard, an oil tanker coming from Gharo was stopped; when the tanker was searched, it was found carrying 8289 liters of Irani diesel and 8161 liters of Irani petrol; since the driver of the tanker namely the Applicant, could not produce import documents, he was arrested and the petroleum was seized after taking samples for lab test.

4. The Applicant was arrested on the suspicion that the diesel and petrol being transported by him was Irani and therefore, in all likelihood, it was smuggled into Pakistan.

5. The samples taken from the seized diesel and petrol were sent for a lab test to the Hydrocarbon Development Institute of Pakistan. The lab reports of course only reflect figures that returned on the test of specific gravity and distillation performed on the petroleum seized and without any opinion that the samples were of Irani origin. Therefore, until those lab reports are compared with similar lab-tests performed on like products being lawfully sold in Pakistan, it cannot be deciphered whether the petroleum products seized were of Irani origin. It has yet to be seen whether the Applicant had knowledge of the origin of the petroleum product inside the tanker or whether he was merely engaged to drive the tanker. Therefore, the case against the Applicant is one of further inquiry into his guilt, falling within the ambit of sub-section (2) of section 497 Cr.P.C.

6. The other aspect of the matter is that the interim challan does not specify the market value of the petroleum seized. Going by the recovery memo, the estimated market value thereof (excluding the tanker) was Rs. 36,19,000/-. With such value, the imprisonment prescribed in clauses (8) and (89) of section 156(1) of the Customs Act, 1969 does not exceed six years. Therefore, the offence alleged against the Applicant also does not fall within the prohibitory clause of section 497 Cr.P.C.

7. For the foregoing reasons, the Applicant Asif Meer son of Jannat Meer Khan is granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 500,000/- [Rupees Five Hundred Thousand only] alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations herein are tentative, and shall not be construed to prejudice the case of either side at trial.

JUDGE

Karachi

Dated: 18-04-2025

*PA/SADAM