

THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Bail Application No. 108 of 2025

Applicant : Abid son of Muhammad Hassan
through Mr. Jamshed Iqbal, Advocate.

The State : Through Mr. Ashiq Ali Anwar Rana,
Advocate along with Rana Shahbaz
Khan, I.O.

Mr. Muhammad Khalid Javed Raan,
Deputy Attorney General for Pakistan.

Date of hearing : 21-05-2025

Date of decision : 21-05-2025

*Case No. ASO-138/2025-HQ
u/s: 2(s), 16, 17 178, 187 of the Customs Act, 1969
and 3(I) of the Imports & Exports (Control) Act, 1950,
punishable under clauses (8) & (89) of section 156(1)
r/w section 157(2) of the Customs Act, 1969
P.S: ASO (HQ), NMB Wharf, Karachi*

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 a common order dated 29-03-2025.

2. Heard learned counsel and perused the record.

3. The co-accused persons (Akif Hussain and Wajahat Habib) were booked for the offence of smuggling, defined in section 2(s) of the Customs Act, 1969, and punishable under clauses 8 and 89 of section 156(1) of the Act.

4. The FIR is that on 05.03.2025 a consignment imported from Dubai by M/s. AB Memon & Sons, declared in the G.D. and B/L as 'coolant', cleared through the Customs red channel and left the off-dock terminal of Bay West (Pvt.) Ltd., West Wharf, Karachi [Terminal] over a truck. On a tip-off that the goods were

mis-declared, the Anti-Smuggling Organization intercepted the truck and escorted it to the CPF Bond, where an examination revealed that contrary to the G.D. the goods comprised of 4 pallets containing 10,008 assorted mobile phones and 15,000 pieces of e-liquid (for vapes), hence seized. As per the FIR, a preliminary investigation revealed that the G.D. was filed by the co-accused persons (Akif Hussain and Wajahat Habib) fraudulently using the WeBOC ID of AB Memon & Sons; that when the co-accused persons (Akif Hussain and Wajahat Habib) were summoned for investigation on 07.03.2025, they confessed to the crime; that the IP address from which the G.D. was uploaded matched the computer recovered from the co-accused persons (Akif Hussain and Wajahat Habib) office, hence they were arrested. It is alleged that during interrogation the co-accused persons (Akif Hussain and Wajahat Habib) disclosed names of employees of the Terminal who helped in “*swapping*” the coolant with mobile phones and vape liquid. In the interim challan dated 24.03.2025 it is further alleged that a forensic analysis of the cell phone of the co-accused (Akif Hussain) revealed incriminating text messages.

5. The Applicant is a delivery clerk at the Terminal. He was impleaded on the statement of the co-accused persons (Akif Hussain and Wajahat Habib) as the one who facilitated the swapping of the coolant. The role assigned to him in the interim challan that he had delivered over the goods to the accused Tajamul Hussain after verifying the index the IGM marks and numbers of the consignment.

6. The co-accused persons (Akif Hussain and Wajahat Habib) on whose statement the Applicant has been implicated had already been granted bail by this Court vide order dated 30-04-2025.

7. For the reasons set-out in the bail order of the co-accused persons (Akif Hussain and Wajahat Habib, the Applicant is entitled on the rule of consistency. Therefore, the Applicant – Abid 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: 21-05-2025

SHABAN*