

THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Bail Application No. 118 of 2025

Applicant : Faiz Amin son of Islam-Ud-Din
through M/s. Dil Khurram Shaheen
and Waqas Ali, Advocates.

The State : Through Mr. Khalid Rajpar,
Advocate along with Aijaz Hussain,
I.O.

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

Date of hearing : 23-05-2025

Date of decision : 23-05-2025

*FIR No. 02/2024-25
U/s: 15, 16, 32 32(1) & 131 of Customs Act, 1969
r/w Arms Act, 1878 vide clause 15(b) of Export Policy
Order, 2022 r/w Sr. No.11 of Schedule II of the Export
Policy Order, 2022 punishable under sub-section 9, 14
& 66 of Section 156 of the Customs Act, 1969*

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 30.04.2025.

2. Heard learned counsel and perused the record.

3. The FIR is that on 20.01.2025, a consignment of ceiling fans intended for Oman was opened for physical examination at the QICT to reveal 1464 pistols (30 bore and 9 mm) tactfully concealed within the cavity of plastic bags of the ceiling fans; the pistols were therefore seized and investigation was commenced against the exporter and the customs agent.

4. The Applicant is not exporter of the consignment. It is alleged that the investigation revealed that the pistols were exported at the behest of Yameni nationals; that certain record recovered from the

office of the exporter led to a weapons dealer and a mobile phone with a Yemeni sim recovered from the weapons dealer led to the I.O. to Peshawar where the Applicant and his brother were carrying on business under the name and style of M/s. Moon Star Arms. It is alleged that the substantial part of the arms recovered from the consignment were manufactured at Moon Star Arms factory and therefore, the Applicant was arrested.

5. On query of the Court, the I.O. informs that the pistols recovered are copies of foreign brands. However, there is no evidence to connect the recovered pistols to the factory of Moon Star Arms. On the other hand, it is contended by learned counsel for the Applicant that the Moon Star Arms is the family business of the Applicant duly licensed in the name of his father. The I.O. further acknowledges that no record was recovered from Moon Star Arms to connect a sale to the exporter or to any Yemeni national. In any case, learned counsel for the Respondent has not been able to demonstrate how the offences under clauses 8(1), 9, 14 and 66 of Section 156(1) of the Customs Act, 1969 would be attracted to an illicit sale of arms when the Applicant is not the exporter of the pistols recovered.

6. For the foregoing reasons, the Applicant Faiz Amin son of Islam-Ud-Din is granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs.1,000,000/- [Rupees One Million 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: 23-05-2025

**PA/SADAM*