

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Jaffer Raza

C.P. No. D – 4760 of 2025

[Fazal Mahmood Hirani versus The Federation of Pakistan & another]

Petitioner : Fazal Mahmood Hirani through
M/s. Amjad Hayat and Sardar
Muhammad Ishaque, Advocates.

Respondent No. 1 : Federation of Pakistan through Ms.
Mehreen Ibrahim, Deputy Attorney
General for Pakistan.

Respondent No. 2 : The Collector of Customs
Appraisalment (SAPT), Karachi
through M/s. Sardar Zafar Hussain
and Muhammad Siddique,
Advocates.

Date of hearing : 08-10-2025

Date of decision : 08-10-2025

ORDER

Adnan Iqbal Chaudhry J. – The Petitioner imported a consignment of Plastic Recycled Granules. Upon examination, the consignment under G.D. No. KAPS-HC-7734-12-07-2025 was found to be of Indian-origin and held to be prohibited under the Import Policy Order, 2022 vide Order-in-Original dated 08.09.2025 and the same was ordered to be confiscated outright. Such order is presently in appeal before the Collector of Customs (Appeals). The Petitioner prays that while aforesaid proceedings are pending, the goods may be shifted to a State Warehouse i.e. the CPF Bond to avoid further demurrage and detention charges.

There is force in the Petitioner's submission that the order of confiscation has yet to be tested in appeal; and therefore, for any further proceedings under the Customs Act, detaining the goods at the port serves no purpose to the Customs, rather it is the Petitioner who may end up saddled with demurrage and detention charges. Though learned counsel for the Customs opposes the petition, he does not advance any convincing reason for detaining the goods at

the port. On the other hand, clause 34 of CGO No. 12/2002 dated 15.06.2002 relied upon by the Petitioner's counsel envisages that even confiscated goods are to be shifted to the State Warehouse till further proceedings where those remain in custody of the Customs. Therefore, we allow the petition and direct the Respondent No.2 to shift the Petitioner's goods imported under G.D. No. KAPS-HC-7734-12-07-2025 to the CPF Bond at the expense of the Petitioner, which shall be without prejudice to further proceedings by the Customs.

JUDGE

JUDGE

*PS/SADAM