

## THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Bail Application No. 310 of 2025

[Abdul Manan & another v. The State]

Applicants : i. Abdul Manan son of Abdul Rahim  
ii. Shah Zaman son of Shah Karam  
  
through M/s. Zaffar Ali Laghai, Ameer Ali Brohi, Ahmed Nawaz Chang and Sanjay Kumar, Advocates.

Respondent : The State, through Mr. Zulfiqar Ali Arain, Advocate along with Imran Ali Soomro, I.O. / Inspector Customs, Hyderabad.

Date of hearing : 29-10-2025

Date of decision : 29-10-2025

*FIR No. 02/2025-26 dated 30.08.2025  
C.No. 12-Cus/Seiz/ASU/SB/2025-26  
u/s: 2(s), 16 & 157 of the Customs Act, 1969 r/w  
Section 3(1) of the Import & Export (Control) Act,  
1950, punishable under clauses (8) and (89) of section  
156(1) of the Customs Act, 1969 and 157(2) ibid  
Registered at Collectorate of Customs Enforcement, Hyd.*

### ORDER

Adnan Iqbal Chaudhry J. - Applicants seek 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 24.09.2025.

2. Heard learned counsel and perused the record.

3. The FIR is that on 29.08.2025, a Toyota Corolla car coming from Karachi was intercepted near Benazir Flyover at Shaheed Benazirabad, transporting 1100 packets of Indian-origin gutka, brand 'Safina'; that Applicant No.1 who was driving the vehicle, and Applicant No.2 on the passenger seat, were arrested and booked for the offence of smuggling defined in section 2(s) of the Customs Act,

1969, punishable under clauses (8) and (89) of section 156(1) of the Customs Act.

4. It is submitted by learned counsel for the Applicants that they are simpletons, hired merely as drivers to transport the gutka; that they were unaware whether such goods were smuggled, especially when such goods are openly sold in the local market. On the other hand, Special Prosecutor Customs submits that the packing of the goods reads 'made in India'; that even otherwise gutka is a prohibited item; and therefore, the Applicants knew they were committing an offence.

5. The Applicants do not claim ownership of the seized goods or ownership of the vehicle transporting such goods. The vehicle is also not registered in the Applicants' name. Though investigation has revealed the identity of the registered owner of the vehicle and of the person who hired the Applicants, those persons have yet to be investigated. Therefore, the submission of Applicants' counsel that they were merely drivers hired to transport the goods, cannot be ruled out at this stage, which places the Applicants in mitigating circumstances. Reliance can be placed on *Noorul vs. The State* (1976 SCMR 190).

6. Given the value assigned in the FIR to the seized goods, the part of clause (8)(i) of section 156(1) of the Customs Act that could be attracted, is clause (a) thereof where punishment of imprisonment does not exceed two years. The maximum imprisonment prescribed by clause (89) of section 156(1) of the Customs Act also does not exceed six years. In other words, the offence alleged against the Applicants does not fall within the prohibitory clause of section 497 Cr.P.C..

7. In view of the foregoing, the Applicants namely, Abdul Manan and Shah Zaman are granted post-arrest bail in the aforesaid FIR subject to furnishing solvent surety in the sum of Rs. 200,000/-

[Rupees Two Hundred Thousand only] each 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: 29-10-2025

*\*PS/SADAM*