

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

Cr.Misc.BA No.1230-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.-

Petitioners (1) Muhammad Rafiq and (2)

Aqib Abdullah Khan, seek bail in case FiR

No.101/2015 dated 21.05.2015, registered

under Sections 2(S), 32, 79, 121 and 178

Customs Act, 1969 punishable under Clauses

8, 89, 14 and 63 of Section 156 (1) ibid Act

r/w Transshipment Rules, Chapter XIV,

Notified vide SRO 45091)/2001 dated

18.06.2001, in Police Station FIR/AHTC,

Peshawar.

2. Accusations against the petitioners are that of replacing containerized imported high-value/high tariff goods with low-value-tariff goods, en-routed from Karachi to Peshawar.

3. Arguments heard and record perused.

4. It appears from the record that both the petitioners are neither owners of the containers nor the goods but are drivers. Being drivers, they on the instructions of absconding co-accused Imran Customs Agent took their vehicles/ containers to the godown where some other unknown persons/accused by breaking the seals, unloaded the high tariff goods and loaded low value good. It is yet to be determined during trial as to whether the petitioners had knowledge and intention with the principal

accused Imran about the alleged replacement of the goods because they are not beneficiaries and being drivers were bound to follow the directions. This aspect of the case, makes their case arguable for the purpose of bail.

5. Accordingly, this petition is allowed.

Both the petitioners are admitted to bail provided each one of them furnishes bail bonds in the sum of Rs.3,00,000/- with two sureties each in the like amount to the satisfaction of learned Trial Court. The sureties must be local, reliable and men of means.

Announced
28.08.2015

J U D G E

