



GOVERNMENT OF PAKISTAN  
MODEL CUSTOMS COLLECTORATE (PREVENTIVE)  
OFFICE OF THE ADDITIONAL COLLECTOR OF CUSTOMS,  
AIR FREIGHT UNIT, JINNAH INTERNATIONAL AIRPORT  
KARACHI.

Case No. P-07/2014-JIAP/Dec/20/2014

Dated: 06-10-2014.

ORDER-IN-ORIGINAL NO. 11 /2014.

- This copy is granted free of charges for the private use of the person(s) to whom it is issued.
- An appeal against this order lies to the Customs Appellate Tribunal, Jameel Chambers, Saddar Karachi, within 60 days from the date of receipt of this order.
- The appeal should bear a Court Fee stamp of Rs.1,000/- (Rupees One Thousand Only).
- The Appellant should state in his appeal if he desires to be heard in person or through a pleader.

JUDGEMENT SHEET

BEFORE : Dr. Tahir Qureshi,  
Additional Collector of Customs,  
AFU/JIAP.

CASE INSTITUTED BY : Drug Enforcement Cell, JIAP,  
Karachi.

DATE OF INSTITUTION OF CASE : 28.05.2014

FIXED FOR HEARING ON : 17-06-2014, 02-07-2014.

APPEARED FOR RESPONDENT : None.

APPEARED FOR THE DEPTT : None

DATE OF JUDGEMENT : 06 -10-2014

ORDER

Brief facts of the case as placed before as placed before the undersigned vide Contravention Report submitted by the Investigating Agency of MCC Preventive are that on the intervening night of 16<sup>th</sup> / 17<sup>th</sup> April, 2014 the Customs staff on duty at the International Departure Hall, Jinnah International Airport, Karachi attending the outgoing passengers for baggage examination / clearance on suspicion intercepted a passenger identified as Fazlu Sarder s/o Ershad Ali, Bangladeshi National (Passport No. AE1667697). Scrutiny of his travelling documents revealed that the above named passenger was

travelling to Dhaka by PIAC Flight No. PK-266 from Karachi. The passenger named above, being a frequent traveler, was asked to declare if he was carrying any contraband / prohibited goods in his baggage or on his person to which he replied in negative. However being dissatisfied with the passenger's declaration, his baggage comprising two (02) handbags was examined in presence of two witnesses, however, nothing objectionable was recovered from handbags except miscellaneous gift items. Subsequent to baggage examination, it was felt imperative to conduct personal search of the passenger. Prior to personal search, the passenger Fazlu Sarder was afforded an opportunity to state if he desired to be searched in presence of a Magistrate or a Gazetted Officer to which he did not express so. Accordingly, his personal search was conducted in presence of above two witnesses under the supervision of IPS Mr. Javed Iqbal. The personal search, so conducted led to the recovery of 01 / one No of Gold slab weighing 10 tolas from his black leather wallet kept in the back pocket of his trousers and 01 / one no Chain (silver painted) initially identified as of Gold (found to be 180 Grams upon weighment) which the passenger was wearing in his neck at the time of personal search. The contraband Gold slab (01 No) weighing 10 Tolas bearing foreign marks & number as "CREDIT SUISSE 10 TOLAS 999.0" and 01 No. Gold Chain weighing 180 grams, so recovered from the possession of the above named passenger was seized along with container thereof and travelling documents of the passenger under a musheernama. Accused passenger Fazlu Sarder s/o Ershad Ali was arrested and served with a notice under section 171 of the Customs Act, 1969. Both seized articles were referred to Gold & Gems Expert for examination and valuation and as per report thereof the seized gold slab and chain have been assessed to value at Rs. 1,290,000/-.

Additional Collector of Customs  
Dhaka International Airport

2. Subsequent investigations revealed that the accused was a frequent traveler between Karachi and Dhaka as he made 33 visits to Karachi during the year 2013-2014. In view of the frequent visits of the said accused, it was strongly believed that he had been making such attempts of smuggling of Gold in shape of bullions in the grab and guise of Import and Export of garments / gift items as accompanied baggage. But this time his attempt of smuggling of Gold from Karachi to Dhaka was timely foiled by the Customs staff.

3. In view of the above facts and circumstances of the case, accused Fazlu Sarder s/o Ershad Ali has contravened the provision of Section 2(s) of the Customs Act, 1969 punishable under clause (8) of Section 156(1) ibid. Accordingly, a Show Cause Notice dated 28-05-2014 was issued to the accused Fazlu Sarder s/o Ershad Ali requiring him to show cause as to why seized Gold Slabs and other articles as detailed in the schedule below should not be confiscated and as to why penal action should not be initiated against them for violation of above legal provisions. Hearings in this case were fixed for 17-06-2014 and 02-07-2014. However, neither any reply to the show cause notice was received nor anyone appeared to attend hearing of the case.

4. I have gone through records and facts of the case. The matter cannot be kept pending indefinitely due to non attendance / non receipt of reply from the accused person. On the basis of records and facts of the case it is evident that the accused passenger is a frequent traveler and was found in possession of contraband gold which he attempted to smuggle out of Pakistan. In view of above, the charges as contained in the Show Cause Notice stand established. I, therefore, order outright confiscation of the seized Gold slab and chain violating the provisions of Section 2(s) of the Customs Act, 1969, punishable under Clause (8) & (9) of Section 156(1) ibid read with Baggage Rules, 2006, notified vide SRO-666(I)/2006, dated 28-06-2006. A personal penalty of Rs. 50,000/-

*M. N. I. Collector (Customs)  
Jinnah International Airport*

(Rupees Fifty Thousands only) is also imposed upon the respondent passenger. He is warned to be careful in future.

5. This order consists of 04 pages each bearing my signatures and official seal. A copy of this Order may be affixed on the Notice Board, Air Freight Unit (Imports), Jinnah International Airport, Karachi in terms of Section 215 of the Customs Act, 1969.

**SCHEDULE OF SEIZED / CONFISCATED GOODS**

- 1) 01 No. Gold Slab Weighing 10 Tolas bearing foreign marks and number "CREDIT SUISSE 10 TOLAS 999.0".
- 2) 01 No. Chain Weighing 180 grams identified as of Gold (Silver painted).
- 3) One black leather wallet as container.

(Dr. Tahir Qureshi)  
Additional Collector

To,

✓ **Fazlu Sarder s/o Ershad Ali,**  
Bangladeshi National (Passport No. AE1667697),  
r/o Chungi Akul, Birmohon, Kalkini,  
Madaripur, Bangladesh.

Copy to:-

- 1- The Collector of Customs MCC (Preventive), Custom House, Karachi.
- ✓ 2- Notice Board AFU, JIAP.
- 3- Master file.

(Dr. Tahir Qureshi)  
Additional Collector

*Additional Collector  
Jinnah International Airport*