

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

## Cr. Revision Application No.D-25 of 2025.

Before;  
Mr. Justice Khadim Hussain Tunio.  
Mr. Justice Muhammad Hasan (Akber).

Applicant: Daraz Khan s/o Shafi-u-Ilah Khan through Mr. Abdul Rauf Memon, Advocate.

Respondents: Through Mr. Shawak Rathore, Deputy Prosecutor General for the State.

Date of Hearing: 15.10.2025.

Date of Decision: 15.10.2025.

Date of Reasons: 28.10.2025.

## **ORDER**

**MUHAMMAD HASAN (AKBER), J.-** Through this Criminal Revision Application, filed under section 435/439, Cr.P.C, the applicant has impugned the Order dated 30.08.2025, whereby the Model Criminal Trial Court-I / learned 1<sup>st</sup> Additional Sessions Judge/ Special Judge CNS Court, Hyderabad ("Trial Court") dismissed his application filed under Section 516-A Cr.P.C seeking restoration/ release of the vehicle viz: Mazda bearing Registration No.JY-0235, model 1985, Chassis No.000812, Engine No.13402 (subject vehicle).

2. Counsel for Applicant argued that the present Applicant is the owner of the subject vehicle, which may be released to him on Superdari basis, and which, according to him, is parked at the police station under open sky without shelter or care.

3. Conversely, the learned DPG contested the application by pointing out sections 74 and 32 of the Act 1997. He further contended that multiple applications were earlier filed by different applicants before the learned Special Court for restoration of the subject vehicle, which were rightly rejected. Lastly, prayed for the dismissal of the Application.

4. Heard. Perusal of the record reflects that on 26.12.2024, the subject vehicle was seized in Crime No.247/2024 of P.S. Bhitai Nagar, Hyderabad, for offence under Sections 6, 9(1)3-C of the Control of Narcotics Substances Act 2002. On factual premise, before filing the subject application by the present applicant, a Criminal

Miscellaneous Application No.08 of 2025 under Section 516-A Cr.P.C was also filed by one Muhammad Shabbir, claiming to be the owner of the subject vehicle, which was dismissed by the learned trial Court, vide Order dated 28.01.2025. In addition to the above two other applications under Section 516-A Cr.P.C were filed by one Shoaib, which the learned trial Court also dismissed, vide Orders dated 27.03.2025 and 16.05.2025. Both these persons were claiming their respective ownership, based upon some purported Sale Agreements. When confronted with these facts, no plausible explanation could be extended by the learned counsel.

5. On legal premise, sections 74 and 32 of the CNS Act 1997 impose a clear bar against giving custody of any conveyance used in the transport of drugs or narcotic substances to the accused, associate, relative or any private individual, till the conclusion of the case, except as provided in the second proviso to sub-section (2) of the section 33. Furthermore, mere claim of lack of knowledge of transportation of narcotic substances on the vehicle, has been consistently disallowed for release of vehicle, by the superior Courts of Pakistan. Reliance is placed upon the cases of '**Abdul Salam v. State**' (2003 SCMR 246), '**Amjad Ali Khan v. The State**' (PLD 2020 SC 299), '**SAS Cargo (Pvt.) Ltd. Karachi through Manager Transport V. The State**' (2005 MLD 869) and '**Haji Abdul Razak v. Pakistan through Secretary Ministry of Finance and another**' (PLD 1974 SC 5).

6. In view of sections 74 and 32 of the Act 1997, and following the principles settled in the above-discussed cases, the present Application, being devoid of merits, is therefore dismissed. These are the reasons for our short Order dated 15.10.2025.

JUDGE

JUDGE