

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

CrI. Revision Application No.D-34 of 2023

**(Mumtaz Ali v. The State)**

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &  
Mr. Justice Arbab Ali Hakro**

Syed Murad Ali Shah, Advocate for applicant.

Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

Date of Hearing : **18-01-2024**

Date of Decision : **18-01-2024**

**ORDER**

**MUHAMMAD IQBAL KALHORO, J:-** On 28.05.2023 a police party of P.S, Agra, on patrol duty, spotted a car No.AKL-606, engine No.X388037 of silver color coming with two persons inside who seeing the police party parked the car and ran away. They were identified to be Shahnawaz and Irfan. From search of car, 60 KGs of hemp (Bhang) in three sacks were recovered lying on back seat of car. The car was impounded, and after necessary formalities, was brought at P.S, where FIR No.22 of 2023 was registered under section 9(d) of CNS Act, 1997.

2. Applicant is owner of the car. He filed an application for restoration of possession of the car before the trial Court, which has been dismissed vide impugned order.

3. Learned counsel for applicant submits applicant is not accused in the case and had given his car for use as taxi. Two accused nominated in FIR have not been arrested and the car parked at P.S is being damaged; applicant is ready to furnish surety to the satisfaction of the trial Court for producing the car as and when required for evidence in trial Court.

4. Leaned Additional P.G has opposed this application.

5. Applicant is not the accused in the case is admitted. The point that whether or not he had knowledge of hemp being transported in his car can only be determined at the stage of trial in evidence. If the car is allowed to remain parked at P.S, it will start decaying which will not be

beneficial to the prosecution in any case. The title of the applicant as owner of the car is not disputed either.

6. In these circumstances, this Crl. Revision Application is allowed and the applicant is directed to furnish surety of Rs.10,00,000/-(Ten Lac) to the satisfaction of the trial Court with an undertaking not to create any third party interest in the said case till final decision of the case.

Application is accordingly **disposed of.**

**JUDGE**

**JUDGE**

Ahmad