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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA.

Cr. Rev. A No.D-10 of 2017.

Date of hearing	Order with signature of Judge
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For orders on office objection-A.
For hearing of case.

21.02.2018.

Mr. Asif Ali Abdul Razak Soomro Advocate for the applicant.
Miss Rubina Dhamrah ADPP

Applicant is Levies Assistant Zonal Director Levies, Sibi Zone Baluchistan and has filed this application for release of Police Mobile No.HD-21 involved in a case crime No.36/2017 registered at Police Station Abad District Jacobabad under section 9 (c) CNS Act, 1997.

As per facts of the case on an spy information two accused namely HC- Abdul Sattar and PC-Imdad Ali posted at Police Head Quarter Quetta, Baluchistan were arrested by the police officials of the above said police station on 17.7.2017 at 1600 hours and from their possession in all three Katta containing 150 patties weighing 01 K.G each were recovered. Consequently they were booked in present crime and offence. Presently the said case is pending before learned court of Special Judge, CNS, Jacobabad. The applicant initially filed an application under section 561-A Cr.PC for the said relief but it was dismissed by the impugned order dated 12.9.2017 by the learned trial court holding that vehicle in question is involved in a heinous offence and is the case property.

Mr. Asif Ali Abdul Razak Soomro has submitted that vehicle in question is a Police Mobile and seemingly it was misused by the accused who were police officials but admittedly they are not its owners. The vehicle being a Police Mobile is required by the Baluchistan Government for its official use.

On the other hand learned ADPP has opposed the application.



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We have considered submissions. Admittedly the vehicle in question is a Police Mobile and the applicant being an official representing Government of Baluchistan has been authorized vide authority letter dated 25.8.2017 issued by Muhammad Ghani Shah, Section Officer (B&A) Home and T.A Department Quetta, to file application for release of said vehicle. Such authority letter has been produced by the learned counsel for the applicant. We therefore see no reason to decline the request because admittedly the accused are not its owners and on account of their alleged illegal act a government vehicle cannot be withheld. Accordingly the application is allowed. Let the Vehicle in question be released to the applicant on his furnishing a personal recognizance (PR) bond in the sum of Rs.500,000/- (Five Lac) to the satisfaction of the trial court. The applicant is, however, directed to produce the subject vehicle before the trial court whenever it is required.

The application is accordingly disposed of.


JUDGE


JUDGE 21-2-2018