

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Revision Application No. D-08 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Applicant Alam Khan, Chang, **through** Mr. Rukhsar Ahmed Junejo, advocate.

The State Through Mr. Aftab Ahmed Shar, Additional Prosecutor General.

Date of hearing and order: 03-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- The applicant, being aggrieved by the order dated 13.02.2026 passed by the learned 3rd Additional Sessions Judge, Sukkur, whereby his application under Section 516-A Cr.P.C. was dismissed, has filed the present Criminal Revision and seeks the setting aside of the impugned order and release of Honda Brido Motorcycle No. SNM-6834, Model 2025, Engine No. M035313, Chassis No. BH535132, on superdari, claiming himself to be its lawful owner.

2. The prosecution case is that on 22.12.2025, during patrol duty at Chohara Market, Rohri, Excise Police allegedly intercepted Sajjad Hussain Chang while he was riding a Honda Brio Motorcycle No. SNM-6834 and recovered 4 kilograms of charas from his possession, resulting in registration of FIR No. 25/2025 under the Control of Narcotic Substances laws. The motorcycle was seized as case property and remains parked at the Excise Police Station Rohri. The applicant, claiming to be the registered owner of the motorcycle and father of the accused, filed an application under Section 516-A Cr.P.C. seeking its release on superdari. His earlier application was dismissed on 31.01.2026. After obtaining pre-arrest bail on 06.02.2026, he filed a second

application, which was also dismissed by the learned 3rd Additional Sessions Judge, Sukkur, vide order dated 13.02.2026. The trial court observed that the motorcycle was used for the transportation of 4 kilograms of charas and, being case property connected with the offence, could not be released at that stage.

3. Aggrieved by the impugned order, the applicant has filed the present Criminal Revision. Learned counsel for the applicant submitted that the applicant is the registered owner of the motorcycle, while the investigation has already been completed, and both the applicant and co-accused have been granted bail. He argued that the motorcycle is lying in police custody and is deteriorating with the passage of time, whereas its continued retention serves no useful purpose. He further submitted that the applicant is ready to furnish surety and undertakes to produce the vehicle before the trial Court whenever required. He, therefore, prayed that the impugned order be set aside and the motorcycle be released to the applicant on superdari.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The learned 3rd Additional Sessions Judge, Sukkur, while dismissing the application under Section 516-A Cr.P.C. vide order dated 13.02.2026, observed that the subject motorcycle was allegedly used for transportation of 4 kilograms of charas recovered from accused Sajid Chang at the time of his arrest in FIR No. 25/2025 registered at Excise Police Station Rohri. The Court further noted that the motorcycle constituted case property and was being kept in safe custody at the police station. Since the vehicle was allegedly involved in the commission of the offence and a similar application had already been dismissed earlier on 31.01.2026, the Court found no justification for its release on superdari and consequently dismissed the application.

6. Admittedly, the motorcycle in question is registered in the name of the applicant, and no material has been brought on record to prima facie dispute his ownership. It is also an admitted position that the investigation has already been completed, the challan has been submitted before the competent Court, and the

motorcycle is presently lying in police custody. The sole ground on which the learned trial Court declined the release of the vehicle is that it was allegedly used in the transportation of narcotics and, therefore, constituted case property.

7. In our considered view, the aforesaid reasoning is not sufficient to justify the continued retention of the motorcycle in police custody.

8. The question whether the vehicle was actually used in the commission of the alleged offence and whether it is liable to confiscation can only be determined by the trial Court after recording evidence and reaching a finding regarding the guilt or otherwise of the accused. Mere allegation regarding use of a vehicle in the commission of an offence does not, by itself, disentitle the registered owner from obtaining its interim custody, particularly when ownership is not disputed, and the vehicle is not required for any further investigation.

9. It is a settled principle of law that vehicles and other articles should not be allowed to remain parked in police stations for indefinite periods, as such practice results in their deterioration, depreciation, and loss of utility. The purpose of Section 516-A Cr.P.C. is to ensure proper custody and preservation of property pending the conclusion of trial. Retention of the motorcycle in an open space at the police station would serve no useful purpose, whereas its release to the registered owner on adequate surety would adequately safeguard the interests of justice.

10. The applicant has undertaken to produce the motorcycle before the trial Court as and when required, and there is nothing on record to suggest that he would misuse the concession or dispose of the vehicle to defeat the course of justice. Appropriate conditions can be imposed to secure its production during the trial.

11. Consequently, the Criminal Revision is allowed. The impugned order dated 13.02.2026, passed by the learned 3rd Additional Sessions Judge, Sukkur, is set aside. The Honda Brido

Motorcycle No. SNM-6834, Model 2025, Engine No. M035313, Chassis No. BH535132 shall be released to the applicant on superdari, subject to his furnishing solvent surety in the sum to be determined by the trial Court, along with an undertaking that he shall neither alienate nor alter the identity of the vehicle and shall produce the same before the trial Court whenever required.

12 The observations made herein are tentative in nature and shall not influence the trial in any manner.

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Nasim/P.A