

IN THE HIGH COURT OF SINDH, KARACHI

Const. Petition No. D-3154 of 2025

[Naimatullah Khan v. SHO ANF Clifton and 2 others]

Const. Petition No. D-6001 of 2024

[Akbar Ali and another v. Federation of Pakistan and another]

Date	Order with signature(s) of Judge(s)
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Before

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

CP No.D-3154 of 2025

Petitioner Through Mr. Shoukat Hayat, Advocate

CP No D 6001/2024

Petitioner Through Mr. Umar Farooq, Advocate

Respondents: Ms. Shazia Hanjrah, Deputy Attorney General
For Pakistan

Mr. Habib Ahmed, Special Prosecutor, ANF

Mr. Hakim Ali Shaikh, Additional A. General

Dates of hearing: 30.12.2025, 16.01.2026, 27.01.2026, 10.02.2026,
24.02.2026, 21.04.2026 & 28.04.2026

Date of Order: 07.05.2026

ORDER

Nisar Ahmed Bhanbhro, J. As common questions of law and fact are involved in both petitions, the same are being disposed of through this single order.

2. The petitioners in both petitions have sought a declaration that the Notification No. S.R.O. No.1350(I)/2021 dated 15.10.2021 (“**impugned notification**”), issued by the Ministry of Narcotics Control, making amendments in the schedule to Control of Narcotics Substances Act, 1997 (CNS Act) by declaring Ketamine and its salts as Contraband Substance, is ultra vires to the Articles 90 and 91 of the Constitution of the Islamic Republic of Pakistan, 1973 (**the Constitution**) thus of no legal effect and

liable to be set aside. Petitioners further prayed that the FIRs registered and consequent proceedings initiated against them in wake of impugned notification under the provisions of CNS Act were also without any legal justification thus may be quashed.

3. It will be pertinent to mention here that through impugned notification dated 15.10.2021 the Federal Government was pleased to declare "**Ketamine and its Salts**" as Psychotropic substances for the purposes of the CNS, Act and placed it at serial No 39 - A in schedule. The sell, manufacture, purchase and transportation of Ketamine and its salts thus fell within the definition of an offence contained under section 6 and was punishable under section 9 of the CNS, Act 1997.

3. Learned counsel for the petitioner in C.P. No. D-3154 of 2025 contended that the petitioner was taken into custody on 31.05.2022 on the allegation of recovery of a psychotropic substance, namely Ketamine, which was declared as such through Notification dated 15.10.2021 issued by the Ministry of Narcotics Control. He contended that the said notification was issued without lawful authority, in violation of Articles 90 and 91 of the Constitution, as well as the Rules of Business, 1973, and, as such, the petitioner has been illegally subjected to a prolonged and protracted criminal trial. Learned Counsel further contended that under Section 2(za) of the Control of Narcotic Substances Act, 1997, any amendment in the Schedule specifying psychotropic substances can only be made by the Federal Government through notification in the official Gazette. In the present case, however, Gazette Notification No S.R.O. No.1350(I)/2021 dated 15.10.2021 was issued by the Ministry of Narcotics Control through a Section Officer, without approval of the Federal Government or the Federal Cabinet, as mandated under Articles 90 and 91 of the Constitution, rendering the same ultra vires the Constitution. It is further argued that on the basis of the impugned notification, the petitioner is facing a prolonged and protracted trial, thereby seriously prejudicing his fundamental rights guaranteed under Articles 4, 10, 10-A and 25 of the Constitution. He further contended that amendment was approved by cabinet through circulation summary but said summary has not been placed on record. There was violation of Rules 16, 17, 18 & 19 of the Rules of Business 1973 more particular when the said summary was not the part of the periodical reports of the said year. He prayed to allow the petition.

5. Learned counsel for the Petitioner in CPD 6001 of 2024 contended that the schedule to CNS Act was amended through section 74 - A which was introduced in year 2022 and impugned notification was issued in year 2021. He contended that schedule cannot be amended through S.R.O as was done in the present case. He contended that since the cabinet decision was not part of periodical records, therefore notification was null and void in terms of Rule 25 of the Rules of Business, 1973. He further argued that the impugned notification was illegal and issued without any lawful authority. He placed reliance upon the case of M/S Mustafa Impex & others Vs The Government of Pakistan through Secretary Finance, Islamabad etc (PTCL 2017 CL 456=**P L D 2016 Supreme Court 808**) and Kazi Abdul Majid Vs. Province of Sindh through Secretary Excise & Taxation Government of Sindh, Karachi and another (PLD 1976 Karachi 600) and lastly prayed to allow the instant petition and quash the proceedings against the Petitioners.

6. Learned DAG and Special Public Prosecutor ANF controverting the submissions advanced on behalf of the petitioners contended that the impugned Notification was issued strictly in accordance with law, and in exercise of the delegated authority, lawfully vested in the Federal Government under Section 2(z) of the CNS Act. It is submitted that the Ministry of Narcotics Control is competent to issue notifications on its behalf in terms of the Rules of Business, 1973. Learned counsel submitted that the mere fact that the notification was issued through a Section Officer did not render it unlawful, as such issuance of any official notification is a matter of internal administrative procedure and did not negate the decision of the Federal Government taken at the competent level. It is argued that notifications are routinely authenticated and published through designated officers and such practice has consistently been upheld by superior Courts. It is further contended that Articles 90 and 91 of the Constitution related to the executive authority and internal functioning of the Federal Government and did not require that each and every notification expressly reflect Cabinet approval on its face. In the absence of any material demonstrating lack of approval, the presumption of regularity attaches to official acts. It was further argued that Ketamine is an internationally recognized Psychotropic Substance and its inclusion in the Schedule is consistent with Pakistan's international obligations and the object and scheme of the CNS Act, which is a welfare and regulatory statute enacted to curb the menace

of narcotics and psychotropic drugs. It is also submitted that the petitioners' arrest and prosecution are based on factual recovery and due process of law, and mere challenge to the notification cannot render the entire criminal proceedings void, particularly when the impugned notification remains operative and has not been declared unlawful by a Court of competent jurisdiction. Lastly, it is argued that no violation of fundamental rights has been made out, as the petitioners were being proceeded against strictly in accordance with law. The alleged delay in submission of cabinet summary cannot furnish a valid ground to declare the impugned notification ultra vires the Constitution and prayed to dismiss the petition.

7. Heard arguments, and perused the material made available before us on record.

8. Crux of the controversy involved in the instant petition is that the impugned notification dated 15th October 2021, whereby Ketamine and its Salts were declared a psychotropic substance and placed at Entry No 39 - A of the Schedule of CNS, Act was issued without the approval of Federal Government. The impugned notification was issued in violation of Article 90 of the Constitution and Section 77 of the CNS Act, hence of no legal effect. The proceedings initiated against the Petitioners pursuant to the impugned notification dated 15.10.2021 through FIRs No 20 of 2022 and 05 of 2021 registered by ANF and Customs Authorities were bad under the law as the same offended the fundamental rights of the Petitioners guaranteed under articles 4, 10 and 10 - A of the Constitution, thus may be quashed.

9. From the analysis of the record, it transpired that Federal Government issued notification dated 15th October 2021 by exercising the powers conferred under Article 90 of the Constitution and section 77 of the CNS, Act. Article 90 of the Constitution articulated that the executive authority of the Federation shall be exercised by the Federal Government in the name of President. The Federal Government shall consist of Prime Minister and Ministers. Article 90 of the Constitution confers the executive authority of the Federation in the Federal Government and by Article 97 it extends to the matters with respect to which Parliament has power to make laws. It will be conducive to reproduce Article 90 of the Constitution for the sake of convenience, which reads as under:

90. The Federal Government:— (1) *Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief executive of the Federation.*

(2) *In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal Ministers.*

10. Article 142(b) of the Constitution empowers the legislature to enact criminal law and to make law for criminal procedure. Thus the proper legislature creates offenses, provides procedure for their investigation, trial etc. The executive power of the Federal Government extends to the matters with respect to which Parliament has power to make laws. The Constitution does not prescribe any particular prosecutorial regime and the executive power to prosecute depends entirely on the laws enacted by the legislature. It is well established that if the exercise of power to prosecute involves violation of the Constitution or a statute, the courts will intervene. To make a case for interference, the petitioners were required to establish that inclusion of Ketamine in list of contraband substances of Psychotropic substances violated any provision of the constitution or in any manner infringed petitioners' fundamental rights.

11. The CNS, Act was promulgated by the parliament to prosecute the offenders involved in drug peddling. The parliament through section 77 of the CNS, Act conferred powers upon the Federal Government to declare any drugs as Psychotropic substance, within the definition of section 2(za) of CNS, Act. The possession, sell, transport, manufacture of a psychotropic substance falling within the definition of section 2(za) is declared an offence within the definition of section 6 and made punishable under section 9 of CNS, Act. In exercise of powers conferred under sections 2(za) and 77 of the CNS Act, the Federal Government vide notification dated 15th October 2021 declared Ketamine and its salts as Psychotropic substance and amended the schedule by inserting entry No 39 -A. Since the date of issuance of notification sell, possession, transportation, manufacture, import and export of the Ketamine became a cognizable offence punishable under section 9 of the CNS, Act. Issuance of Gazette notification was a sufficient knowledge for the

people of Pakistan. If any one was found involved in any of the activity contravening section 6 of the CNS, Act, he was liable to be prosecuted. For the ease of reference Notification dated 15.10.2021 is reproduced below:

Statutory Notifications (S.R.O)
Government of Pakistan
MINISTRY OF NARCOTICS CONTROL
Notification
Islamabad, the 15th October, 2021

S. R.O 1359(I)/2021 In exercise of the powers conferred by clause (za) of section 2 of the Control of Narcotics Substances Act, 1997, (XXV of 1997), the Federal Government is pleased to declare that Ketamine and its salts shall be a psychotropic substance for the purposes of the said Act and it shall be placed at Serial No 39 - A in schedule of CNS, Act 1997.

[No. F. 13 - 20/2014-CS]

Sd/

SYED SAADAT ALI OKHARI

Section Officer

(Controlled substances)

12. From perusal of above referred notification, it is vivid and crystal clear that the said notification was issued pursuant to the approval of Federal Government. The contention of Learned Counsels for the Petitioners that notification is issued by a Section Officer without getting its approval from cabinet is without force, as word Federal Government appearing in the referred notification represents cabinet. The Federal Government per Article 90 of the Constitution consisted of Prime Minister and Ministers commonly referred as to Cabinet.

13. When confronted to above legal position learned Counsel for the Petitioners argued that "Ketamine" was a substance used for medical purpose, therefore, it cannot be placed under schedule of CNS, Act. The learned counsel for the petitioners mounted various arguments to discredit the impugned notification and emphatically made basis to an earlier notification dated 6th April, 2020 issued by the Ministry of Narcotics Control whereby Ketamine was placed in the schedule of CNS, Act and subsequently the said notification was withdrawn. Counsel for the petitioners argued that the notification dated 6th April 2020 was withdrawn for the reason that the Ketamine was not a contraband

substance and its use was limited for medical purposes. To proceed further it would be conducive to reproduce notification dated 6th April 2020, which reads as follows:

Statutory Notifications (S.R.O)

Government of Pakistan

MINISTRY OF NARCOTICS CONTROL

Notification

Islamabad, the 6th April, 2020

T.R.O 446(I)/2020 dated. Secretary Ministry of Narcotics Control duly authorized under section 2 (za) of the Control of Narcotics Substances, (CNS) Act 1997, is pleased to issue notification for inclusion of Ketamine Ketamine Hydrochloride Salt" along with its chemical formula as given below in the list of psychotropic substance given in schedule - III of CNS, Act 1997(No. XXV) of 1997.

Chemical Name:

2-(2-Chlorophenyl)-2-(methylamino)cyclohexanone hydrochloride;

2-(o-Chlorophenyl)-2-(methylamino)cyclohexanone hydrochloride;

2-(2-methylamino)-2-(chlorophenyl)cyclohexanone hydrochloride;

2-(2-Chlorophenyl)-2-(o-chlorophenyl)cyclohexanone hydrochloride;

Cyclohexanone,2-(2-chlorophenyl)-2-(methylamino)hydrochloride;

Cyclohexanone,2-(o-chlorophenyl)-2-(methylamino)hydrochloride;

[No. F. 13 - 20/2014-Policy - I] Sd/

SYED SAADAT ALI OKHARI

Section Officer (Policy - I)

14. From bare reading of the above notification, it can be deduced that the same was issued by Secretary Ministry of Narcotics Control without sanction of Federal Government. The notification dated 6th April 2020 was bad under the law and rightly withdrawn as the same was issued without sanction of the cabinet. The argument of the counsel for petitioners that notification was withdrawn as Ketamine was used for medical purposes had no force. Even if we accept the argument that the Ketamine is used for medical purposes for anaesthesia, it will never tantamount to accord permission to the Petitioners for an open trade or business of Ketamine.

15. Learned Counsel vehemently emphasized that the Cabinet had not approved the summary to include Ketamine in the schedule of CNS

Act, and if the summary has been approved, it was not floated in terms of Rules 16 to 20 of the Rules of Business 1973. It would be conducive to reproduce the decision of the cabinet dated 10.09.2021 approved through circulation, which reads as under:

DECISION

The cabinet considered the summary, dated 10th September 2021 submitted by the Narcotics Control Division, which was circulated in terms of rule 17(1)(b) read with rule 19(1) of the Rules of Business, 1973 for 'Scheduling of Psychotropic substances by Federal Government' and approved the proposal at para 5 of the summary.

16. The contention of the Petitioners' counsel that the summary was approved in violation of Rules of Business, 1973, though no specific occasion was demonstrated to believe that cabinet lacked powers to approve such summary. Merely, because the summary was not the part of periodical records did not furnish any valid ground to declare such step of the Federal Government as null and void. Rule 16 provides for bringing the cases before the cabinet which include, proposals for legislation, official or non-official, including money bills; promulgation and revocation of Ordinances; etc. Rule 17 lays down Method of disposal of Cabinet cases, which may be through by discussion at a meeting of the Cabinet; or by circulation amongst Ministers; or by discussion at a meeting of a committee of the Cabinet, etc. Rule 18 regulates the Manner of submission of Cabinet cases, Rule 19 enunciates Procedure regarding circulation of Cabinet cases, Rule 20 regulates the procedure regarding Cabinet Meetings and Rule 25 speaks about periodical reports and activities of divisions. It is vociferously, argued that decisions of cabinet was not part of the Year Book, therefore, impliedly no such decision was taken by the cabinet. It would be conducive to reproduce Rule 25 for the sake of reference:

25. Periodical reports of activities of Divisions.--(1)
Omitted vide SRO 135(I)/98, dated 3rd March, 1998.

(2) At the beginning of each financial year, each Division shall, for the information of the Cabinet and for general public, prepare and upload on its website as a permanent record a Year Book which shall contain--

(a) the details of its activities, achievements and progress during the preceding financial year giving only the information which can be used for reference purposes;

(b) the programme of activities and targets set out for itself during the preceding financial year and the extent to which they have been realized; and

(c) the relevant statistics properly tabulated.

Note:- The Secretary of the Division shall ensure that only unclassified material is supplied for the Year Book so that the information contained therein may be available for the use of academics, scholars and other interested.

(3) Secretary of each Division shall inform the Cabinet Secretary, within ninety days at the end of the financial year under report, about availability of the Year Book, who shall disseminate this information to all members of the Cabinet and all Divisions.

17. Rule 25 of the Rules of Business, 1973 was directory in nature, and laid down a procedure to maintain the periodical records of such unclassified information which might be useful for academics and research purposes. Therefore, if any decision was not part of the year book, it will not render cabinet decisions nullity.

18. Further more, the legislation has empowered the Federal Government to amend or vary the schedule of CNS, Act through section 74 - A which reads as under:

74A.Power to amend Schedules.— *The Federal Government may, by notification in the official Gazette, amend the Schedules so as to add any entry thereto, amend any entry therein or omit any entry there from if it is satisfied that it is necessary or expedient so to do on the basis of following, namely:*

(a) the information and evidence which has become available to it with respect to the nature and effects of and the abuse or the scope for abuse of any substance (natural or synthetic) or natural material or preparation of such substance or material; or

(b) the modifications or provisions, if any, which have been made to or in any international convention with respect to such substance, natural material or any salt or preparation of such substances or material.

19. The above provision of law embodied in CNS, Act accorded powers to Federal Government to amend the schedule to the said Act so as to add any entry thereof, or omit any entry therefrom when satisfied on the basis of information and evidence that has become available with respect to the abuse of any substance (natural or synthetic) and any modification or provisions in compliance to international convention. Federal Government included Ketamine and its salt in the list of contraband substances and incorporated in the schedule of CNS, Act meaning thereby that since the date of amendment in the schedule unlawful trade or business of Ketamine became an offence punishable under section 9 of the CNS Act. Though this provision was inserted in year 2022, however, Federal Government was competent to alter or amend the schedule by exercising the powers available under section 2(z) and 77 of CNS, Act.

20. In the case of Mustafa Impex (supra) relied upon by Learned Counsel for Petitioners, it was held by Honorable Supreme Court of Pakistan that Rules of Business, 1973 were binding on the Government and a failure to follow them would lead to an order lacking any legal validity. Para 84 & 85 of the judgment being relevant reads as under:

84. We may now summarize our conclusions:--

(i) The Rules of Business, 1973 are binding on the Government and a failure to follow them would lead to an order lacking any legal validity.

(ii) The Federal Government is the collective entity described as the Cabinet constituting the Prime Minister and Federal Ministers.

(iii) Neither a Secretary, nor a Minister and nor the Prime Minister are the Federal Government and the exercise, or purported exercise, of a statutory power exercisable by the Federal Government by any of them, especially, in relation to fiscal matters, is constitutionally invalid and a nullity in the eyes of the law. Similarly budgetary expenditure, or discretionary governmental expenditure can only be authorized by the Federal Government i.e. the Cabinet, and not the Prime Minister on his own.

(iv) Any Act, or statutory instrument (e.g. the Telecommunication (Re-Organisation) Act, 1996) purporting to describe any entity or

organization other than the Cabinet as the Federal Government is ultra vires and a nullity.

(v) The ordinance making power can only be exercised after a prior consideration by the Cabinet. An ordinance issued without the prior approval of the Cabinet is not valid. Similarly, no bill can be moved in Parliament on behalf of the Federal Government without having been approved in advance by the Cabinet. The Cabinet has to be given a reasonable opportunity to consider, deliberate on and take decisions in relation to all proposed legislation, including the Finance Bill or Ordinance or Act. Actions by the Prime Minister on his own, in this regard, are not valid and are declared ultra vires.

(vi) Rule 16(2) which apparently enables the Prime Minister to bypass the Cabinet is ultra vires and is so declared.

(vii) Fiscal notifications enhancing the levy of tax issued by the Secretary, Revenue Division, or the Minister, are ultra vires. (it is clarified, in passing, that this court has in the past consistently held that a greater latitude is allowed in relation to beneficial notifications and that principle still applies).

(viii) In consequence of the above findings the impugned notifications are declared ultra vires and are struck down.

Prior to concluding this judgment we would like to express our appreciation for the valuable assistance provided by the learned counsel who have appeared in this matter. We are grateful to each one of them.

85. In view of the above by accepting these appeals and while setting aside the impugned judgment(s), all the writ petitions filed by the appellants are allowed.

21. The discussion made herein above leads to an irresistible conclusion, that amendment in schedule to CNS Act was done strictly following the Rules of Business, through a circulation summary, as prescribed under Rule 17 & 19 of the Rules of Business, 1973.

22. Adverting to the contention of Counsel for the Petitioners that amendment in the schedule had infringed the fundamental rights of the petitioners as to lawful trade and business. No doubt, through article 18 of the constitution, right to do lawful trade and business has been

guaranteed as fundamental right but such right was subject to certain restrictions imposed under the law. It will be conducive to reproduce article 18 of the constitution for the sake of understanding, which reads as under:

18: Freedom of trade, business or profession:

Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful

trade or business:

Provided that nothing in this Article shall prevent-

- a. the regulation of any trade or profession by a licensing system; or*
- b. the regulation of trade, commerce or industry in the interest of free competition therein; or*
- c. the carrying on, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.*

23. Article 18 of the Constitution did not in any manner confer unfettered rights to the citizens to enter into a trade or business but such rights were always subject to conditions imposed under the law. The business of drugs is regulated in Pakistan under the provisions of "The Drugs Act, 1976". Section 4 of the Act regulates the import, export of the drugs. This provision of law empowers the Federal Government to make such orders and issue such directions to the importers and exporters for import and export of the drugs. The Federal Government may, by notification in the official Gazette, direct that a drug or a class of drugs specified in the notification, or drugs generally, shall not be imported or exported otherwise than under the authority of a license issued under the said Act or except by an importer or exporter or through an indenter registered in accordance with the rules; or prohibit the import or export of any drug or class of drugs specified in the notification. No material was placed on record to evince that the Petitioners were engaged in business of "Ketamine" used for medical purposes or they were granted such license by the Federal Government to export Ketamine. In order to manage the manufacture, import and export of drugs the Drug

Regulatory Authority Act 2012 was enacted to ensure that the drugs are manufactured, imported and exported in accordance with the provisions of Drugs Act 1976. In this regard the Drug Regulatory Authority of Pakistan (DRAP) was established to oversee the sale, manufacture, import and export of drugs.

24. The cursory glance at the material available on record revealed that Petitioner Naimatullah Khan in CPD 3154 of 2025 was booked in FIR No 20 of 2022 of ANF Police District South, facts thereof revealed that Petitioner was proprietor of M/S Dynamic Enterprises dealing in the export and import business. ANF police on a tip off impounded container number XXLU-1063479 at ANF checking area of SAPT Port Karachi and found 145 Kg of Ketamine Powder from fabric rolls. The contraband material was sealed on spot and brought at police station and prosecution was initiated, whereas, Akber Ali and Muhammad Asif Petitioners in CPD 6001 of 2024 were booked in FIR No 05 of 2021 registered by customs police on the basis of information conveyed by US customs and Border Prosecution Port Los Angeles, which revealed that the Petitioners were proprietor and clear agents of M/S Madni Traders and M/S M.Z Corporation. Petitioners shipped cargo from Bin Qasim Port Karachi containing "Liquid Hand Wash". The US customs authorities examined the Cargo and found contraband Ketamine, report whereof was sent to Pakistan Authorities. The Customs Department recorded FIR pursuant to the communication from US authorities and sent up the Petitioners for prosecution.

25. From perusal of material discussed supra, there can be no second opinion that the Petitioners were found involved in transporting "Ketamine" through illegal means. If the petitioners were engaged in lawful trade and business of "Ketamine" under a valid license for medical purposes, they would have transported it through legal channels by declaring the goods as "Ketamine". The Petitioners declared goods as liquid hand wash and fabric rolls which on inspection were found containing ketamine powder, whose transportation and possession was not only banned in Pakistan but also in the Foreign Land. Moreover, Petitioners did not challenge the impugned notification dated 15.10.2022 on bona fides, had it been the case that impugned notification halted lawful business of the Petitioners, it would have been challenged

promptly. The notification came into question, after the lapse of about 3 to 4 years, when petitioners were booked by the prosecution agencies for their alleged involvement in illicit trade of banned commodity which was declared as a contraband psychotropic substances.

26. To engage in the business of drugs, it is mandated that such information be conveyed and permission obtained through license from DRAP, contrary to law the Petitioners attempted to export the contraband drug (Ketamine) through mis-declaration by concealing the Ketamine salt in liquid hand wash and fabric rolls.

27. It can be safely held that the impugned notification did not cause any impingement of the fundamental rights of the Petitioners. On the contrary Petitioners brought a bad name for the country by concealing the contraband drugs in the export items, which might have adversely affected the lawful business of other entities and badly affected foreign exchange reserves. The Petitioners knew that the sell and manufacture of "Ketamine" was prohibited by the Federal Government, therefore, any activity in respect of prohibited drugs or psychotropic substances was an offence punishable under the provisions of Drugs Act 1976 and CNS, Act, 1997.

28. The above discussion leads to an ineluctable conclusion that the Federal Government was indeed conferred with the authority to amend the schedule in terms of section 2(za), and 77 of the CNS, Act. Petitioners have failed to make out a case for indulgence of this Court. Consequently; the captioned petitions fail, the same are accordingly **dismissed** along with pending applications if any.

29. The learned trial Court was restrained from pronouncing judgment till the final disposal of the constitutional petition, vide order dated 02.12.2024, which restraint continued to operate till date. Since the petitions have been dismissed, it is expected that Learned Trial Court shall decide the fate of the cases expeditiously, without being influenced by any of the observations made in the instant order.

30. Office is directed to send copy of this order to Learned Trial Court for compliance.

JUDGE

JUDGE

HEAD OF THE CONSTL: BENCHES

Approved for reporting