

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr.Rev.Appl. No.150 of 2026

Presents:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

28.08.2026

Mr. Shah Imroz Khan, advocate for applicant.
Mr. Muhammad Ali Noonari, DPG.

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ORDER

MUHAMMAD IQBAL KALHORO J:- Applicant claims to be owner of vehicle bearing Registration No. BJ-3600, Toyota Fortuner, Model 2017, which as per FIR, Crime No.92 of 2026 was found being used for transportation of narcotics weighing one kilogram, when accused Mohsin Mustafa driving the said car was arrested on 25.04.2026. He has filed this application challenging the order declining his request for interim custody of the said car.

2. Learned counsel for the applicant has argued that there is nothing on record to show that applicant was in knowledge of the offence being committed, hence he has a right to restoration of this vehicle pending the case. He has relied upon the photo copy of orders dated 28.10.2025 & 17.02.2026 passed by this court in Cr. Rev.A.No.56 & 177 of 2025, 2023 SCMR 711, 2005 SCMR 1041, 2010 SCMR 1181, PLD 2009 Lahore 625, 2025 SCMR 1041 to support his contentions.

3. On the other hand learned DPG has opposed this application citing Section 41 of Sindh Control of Narcotics Act, 2024. This provision clearly provides that no convenience etc. shall be given in interim custody to accused, his associate, relative, or any private individual till the conclusion of the case. This apparently has shut the door completely to restoration of vehicle to the owner as an interim measure till pendency of the case on any ground. Learned counsel for applicant has cited various case laws to show that this court has been passing such orders giving interim custody of the vehicles to the owner etc. on superdari basis. But with due respect to those orders, we may observe that such orders were passed, when the release of the vehicle on superdari basis (interim custody) in certain conditions was not prohibited

under the law. Through the new law a complete embargo on release of the vehicle used in narcotics to its owner etc. on interim custody pending the case on any ground including the one whereby the owner claims lack of knowledge of the offence has been enforced.

4. Hence, we reject the application, however, we direct the trial court to proceed with the matter expeditiously and conclude it in three months and while passing the judgment, shall pass the order in respect of the subject vehicle in accordance with law.

5. The Criminal Revision Application stands disposed of.

JUDGE

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