

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Revision Application No.D-19 of 2017

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro.**  
**Mr. Justice Muhammad Saleem Jessar.**

01.11.2022

Syed Muhammad Waseem Shah advocate for applicant.  
Mr. Agha Abdul Nabi, Special Prosecutor ANF.

-----

**ORDER**

**MUHAMMAD IQBAL KALHORO, J.-** It is admitted that applicant is owner of a Hino Bus registration No.LXX-6395, Engine No.12338, Chassis No.AK3HMK10945, Model 2001, from which 420 KGs of charas was recovered from possession of four passengers namely Sharif Taj, Muhammad Saleem, Riaz Mian and Adil Sher on 27.05.2008 in front of Ayub Restaurant, National Highway, Hyderabad As a result of which FIR bearing Crime No.02/2008 PS ANF Hyderabad u/s 9(c) CNS Act, 1997 was registered. After a full-dressed trial, the said accused were convicted vide judgment dated 16.07.2010. It is also admitted that applicant is not the accused in the case plus no evidence was found that he was aware or had any information that in his Bus, being used as a passenger bus, the narcotics was being transported. Hence, he filed application u/s 517 CrPC before the trial court for release of Hino Bus to his possession, which has been dismissed by the impugned order.

2. Learned Special Prosecutor ANF submits that he had raised objection over handing over of the Bus to the applicant because at that time the Bus, which the applicant had purchased on installments but had not completely paid the same, was not transferred in his name. However, afterwards he has got the registration of the vehicle done in his favour and therefore, he has no objection if the vehicle is restored to his possession being its owner coupled with the fact that he is not connected, in any manner, with the present crime and offence.

3. Accordingly, this application is allowed in view of above facts and grounds, and the Hino Bus registration No.LXX-6395, Engine No.12338, Chassis No.AK3HMK10945, Model 2001,

is restored to possession of the applicant subject to furnishing a solvent surety in the sum of Rs.500,000/- (five hundred thousand) and PR bond of the like amount to the satisfaction of trial court to be kept for two years to address any objection by anyone over ownership of the applicant over the bus.

Criminal Revision Application stands disposed of in the above terms.

JUDGE

JUDGE