

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Rev. App. No. D – 24 of 2023**

*(Islam Uddin versus The State)*

*Present:*

**Mr. Muhammad Iqbal Kalhoro, J.**  
**Mr. Arbab Ali Hakro, J.**

Date of hearing : **11.01.2024**

Date of decision : **11.01.2024**

Mr. Riaz Ali Shaikh, Advocate for applicant.  
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

## **ORDER**

**Muhammad Iqbal Kalhoro, J.** – Muhammad Ibrahim was arrested on 14.10.2023 at 0430 hours, while driving a Mazda M-Truck (Registration No. PX-3530, Chassis No. 302870, Engine No. SL2104962 and Model 1993) by ASI Sher Ali of Police Station Rohri, District Sukkur at Custom Nako, Rohri, after 117 sacks of Bhang were recovered from the said truck on inspection. He is still in jail and going through the trial. Applicant, however, is owner of the truck, from which the alleged Bhang was recovered. He filed an application seeking restoration of possession of the vehicle but it was dismissed through impugned order. Hence, this application.

2. Learned Counsel for applicant submits that he is ready to furnish surety with an undertaking to produce the truck as and when required by the trial Court for the purpose of trial, in return to release of the said truck to his possession. The impugned order shows that the engine number found on the truck was different than the one recorded in the registration book of the truck. Learned Counsel submits that it is so because afterwards a new engine was purchased and installed in the truck after the old engine went through its course. He undertakes that on release of the vehicle, he would get new engine number recorded in the registration book.

3. Learned Additional Prosecutor General has half-heartedly opposed the application.

4. Applicant is not the accused, and if the truck is not properly attended at the Police Station, it will start getting ruined, which will serve no purpose to the prosecution. Hence, application is **allowed**, however, subject to furnishing a solvent surety in the sum of Rs.5,00,000/- to the satisfaction of the trial Court and recording of new engine number in the registration book of the truck. After fulfillment of both the conditions, the possession of the subject truck shall be restored to the applicant with direction to produce the same as and when required by the trial Court.

Application stands **disposed of** in the above terms.

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Abdul Basit