

THE HIGH COURT OF SINDH, KARACHI

Spl. Cr. Appeal No. 01 of 2024

[The State /ANF v. B.R.R. Guardian Modaraba and another]

Appellant : Nemo.
Date of hearing : 11-07-2024
Date of decision : 11-07-2024

JUDGMENT

Adnan Iqbal Chaudhry J. - This appeal by the Anti-Narcotics Force [ANF] is under section 43 of the Prevention of Smuggling Act, 1977 [PSA] from an order dated 30-10-2023 passed by the Special Court-II (Control of Narcotic Substances) Karachi under section 32(1) of the PSA in Case No. 210/2015, discharging the properties held by the Respondent No.1 from the purview of section 31 of the PSA.

2. The appeal is coming up for non-prosecution despite three dates having been granted to the Appellant/ANF to address the office-objections. Today, no one is present for the Appellant.

3. It is by now settled that against an order dismissing the information placed by the ANF under section 31 of the PSA, the ANF is not a 'person aggrieved' within the meaning of section 43 of the PSA, and therefore it cannot maintain an appeal thereunder. That has been held so by Supreme Court of Pakistan by judgment dated 23-11-2023 in Civil Appeal No. 277/2014, *The State through ANF v. Obaid Khan*, and then by a learned Division Bench of this Court in C.P. No. D-5822/2023, *The State (ANF) v. Agha Mehmoodul Hassan Haravi* (along with C.P. No. D-5490/2023). Resultantly, this appeal is not maintainable. Same is dismissed.

JUDGE