

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Crl. Revision Application No. D-08 of 2022**  
*(Nizamuddin Vs. The State)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- . For Orders on office objection.
2. For Orders on MA No. 313/2022 (Ex./A)
3. For hearing of main case.

**27-03-2024.**

Ms. Mallag Assa Dashti, advocate for the applicant.  
 Syed Sardar Ali Shah Rizvi, Additional P.G for the State.  
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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. The applicant being authorized agent of Gomal Transport sought for custody of subject Oil Tanker, which was secured by the police for transporting 15 kilograms of Opium, by filing such application before learned trial Court, it was dismissed vide order dated 21-01-2022, which is impugned by the applicant before this Court by preferring the instant Crl. Revision Application.

It is contended by learned counsel for the applicant that use of Oil Tanker for a crime is not enough to deny its custody to its owner through agent and such aspect of the case has been lost sight of by learned trial Court; therefore, the impugned order being illegal is liable to be set aside with direction to learned trial Court to release the subject Oil Tanker in favour of the applicant on *Superdari* on furnishing requisite surety, which is opposed by learned Additional P.G for the State by contending that Oil Tanker has been used for transporting Narcotic substance and it is subject to its confiscation in terms of section 33 of CNS, Act, 1997.

Heard arguments and perused the record.

Allegedly the subject Oil Tanker has been used for transporting 15 kilograms of Opium; it is case property and possibly it could be confiscated on conclusion of trial. In such situation, learned trial Court was right to deny its custody to the applicant on *Superdari* by way of impugned order, which is not found illegal to be interfered with by this Court by way of instant Criminal Revision Application, it is dismissed accordingly.

**Judge**

**Judge**

Nasim/P.A