

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D – 945 of 2026
[Ahmed Shahid v Regional Director (ANF) & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi.

Date of hearing and order:- 02-04-2026

M/s. Shoukat Hayat and Amna Magsi advocate for the petitioner.
Habib Ahmed advocate for ANF
Ms. Wajiha Mehdi AAG

ORDER

Adnan-ul-Karim Memo, J Petitioner, Ahmed Shahid has filed this Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 seeking following relief(s):

- "A. To declare the placement of the name of the petitioner on ECL/PCL vide noted 28.11.2025 by Respondent Nos. 5 and 6 are arbitrary, illegal without jurisdiction, null and void;*
- B. To direct the Respondents Nos. 5 and 6 to remove, withdraw the name of petitioner from Exit Control List (ECL) Passport Control List (PCL) forthwith;*
- C. Direct the Respondents No. 5 & 6 that during the period of travel to Saudia Arabia for performance from Umrah from 10.03.2026 to 31.03,2026, the name of the petitioner be removed urgency from ECL/PCL;*
- D. To direct Respondent NO.4/ Deputy Director (Immigration) not to restrain the petitioner travel abroad afar necessary permission of travel from competent authority.*

2. Learned counsel for the petitioner submitted that the petitioner is a registered tax payer who is engaged in the business of fabrics. He was implicated in FIR No. 46/2025 registered under the CNS Act on the basis of alleged recovery of tablets from a consignment of fabric rolls. The petitioner voluntarily surrendered before this Court, obtained protective bail, and thereafter pre-arrest bail from the trial Court, and is regularly appearing before the trial Court after submission of challan. He contended that the name of the petitioner was placed on the Exit Control List (ECL) and Passport Control List (PCL) during investigation without issuing any notice, show cause, or providing an opportunity of hearing, which is in violation of the Exit from Pakistan (Control) Ordinance, 1981, Exit from Pakistan Rules, 2010, Passport Act, 1974, and fundamental rights guaranteed under Articles 4, 9, 10-A, 15 and 25 of the Constitution. He further

argued that the petitioner's case does not fall within any category of Rule 2 of the Exit from Pakistan Rules, 2010, and the alleged recovered tablets are pharmaceutical medicines and cannot be termed narcotics. He further submitted that the petitioner intends to travel to Saudi Arabia for performance of Umrah for a limited period and is willing to furnish surety and undertaking to return and face trial. Reliance was placed on various judgments of the Superior Courts wherein placement of names on ECL without lawful authority or without due process was declared illegal and names were ordered to be removed, subject to permission of the trial Court. He prayed to allow this petition.

3. On the other hand, learned AAG appearing for Respondent No. 4 assisted by the Mr. Habib Ahmed advocate for Respondents No. 1 to 3/ Anti Narcotic Force (ANF), submitted that the Federal Investigation Agency (FIA) has only implemented directions and has no authority to remove the name independently. Learned AAG submitted that the petitioner's name was placed on the PCL on 28-11-2025 on the recommendation of ANF Headquarters through the Ministry of Interior in accordance with Rule 22(2)(b) of the Passport Rules, 2021, as the petitioner is involved in a narcotics case. Therefore, the placement of the petitioner's name on PCL is lawful and in accordance with rules, and the petition is liable to be dismissed.

4. We have heard the learned counsel for parties and perused the material available on record and case law cited at the bar.

5. As per pleadings, Respondents No. 1 and 2 registered FIR No. 46/2025 dated 29.09.2025 under the CNS Act on spy information alleging that narcotic tablets were being smuggled through a consignment of fabric rolls from Badruddin Yard, KPT, Karachi to Dubai. The consignment was seized and prohibited tablets were allegedly recovered from concealed portions of the fabric rolls. One Muhammad Daniyal, Clearing Manager of Siddique & Sons, was arrested and during investigation disclosed the names of various persons, including the petitioner, leading to raids at his shop and residence. The petitioner voluntarily surrendered before this Court and was granted protective bail on 14.11.2025, and thereafter pre-arrest bail by the trial Court on 19.11.2025. He has since been regularly appearing before the trial Court and, after completion of investigation, challan has been submitted and the case is pending trial. The petitioner later came to know that his name had been placed on the ECL and PCL during investigation, he obtained a copy of the note dated 28.11.2025.

6. It is an admitted position that the name of the petitioner was placed on the ECL/PCL during the stage of inquiry/investigation on the recommendation of ANF. Admittedly, investigation has now been completed, challan has been submitted, and the case is pending before the trial Court, where the petitioner is

regularly appearing on pre-arrest bail. Therefore, the basis on which the petitioner's name was initially placed on ECL/PCL no longer holds the same field.

7. Under Section 2 of the Exit from Pakistan (Control) Ordinance, 1981, the Federal Government may prohibit a person from proceeding abroad only through a lawful order based on reasons recorded. Furthermore, Rule 2 of the Exit from Pakistan (Control) Rules, 2010 provides specific categories of persons whose names may be placed on ECL. The respondents have failed to point out as to which specific category of Rule 2 the case of the petitioner falls within. Mere involvement in a criminal case is not one of the categories unless exceptional circumstances exist such as likelihood of abscondence, national security concerns, or failure to cooperate with investigation, which are not present in the instant case.

8. Similarly, Rule 22(2)(b) of the Passport Rules, 2021, relating to Passport Control List (PCL), empowers the authorities to regulate issuance of passport facilities, however, such power is not to be exercised arbitrarily and must be based on reasonable grounds and due process. The respondents have not shown that the petitioner was issued any show cause notice, hearing, or speaking order prior to placing his name on ECL/PCL, which is a mandatory requirement flowing from Article 4 and Article 10-A of the Constitution.

9. The contention of the respondents that the petitioner is involved in a narcotics case is not by itself sufficient to curtail his fundamental right to travel. It is now well settled that the right to travel abroad is a fundamental right flowing from Articles 9 and 15 of the Constitution, and the same cannot be curtailed except in accordance with law, after due process, and on strong and compelling reasons.

10. The Superior Courts have repeatedly held that mere pendency of a criminal case is not a valid ground to place a person's name on ECL. Once challan is submitted and the accused is on bail and appearing before the trial Court, the matter of travel should be regulated by the trial Court. Placement on ECL without notice, hearing, and a speaking order is illegal. In this regard, reliance may be placed on the judgments in the cases of *Wajid Shams-ul-Hasan v. Federation of Pakistan* (PLD 1997 Lahore 617), *Federation of Pakistan v. Ayyan Ali* (2017 SCMR 1179), *Muhammad Sadiq v. Federation of Pakistan* (PLD 2016 Sindh 263), *Farah Mazhar case* (PLD 2022 Lahore 119), *Rafiq v. State* (SBLR 2018 Sindh 192)

11. The consistent principle laid down in the above cases is that the right to travel abroad is a fundamental right and the name of an accused cannot be kept on

ECL merely as a matter of routine; rather, each case must be examined on the touchstone of necessity, reasonableness, and due process.

12. In the present case, the petitioner voluntarily surrendered before the Court. He obtained pre-arrest bail from the competent Court. He joined investigation. Challan has been submitted. He is regularly appearing before the trial Court. There is no allegation that he tried to abscond or avoided the process of law. Therefore, the apprehension of the respondents that the petitioner may abscond is unfounded and can adequately be addressed by the trial court before travelling abroad and to furnish surety/undertaking if any.

13. Thus, the action of placing the petitioner's name on ECL/PCL, without notice, without hearing, and without assigning reasons, appears to be arbitrary, without lawful authority, and not sustainable in law. At this stage, when the case is sub judice before the trial Court, the presence and movement of the petitioner can be effectively regulated by the trial Court, which is the proper forum to impose any conditions regarding travel.

14. In view of the above, the impugned order dated 28.11.2025 is set aside. The competent authority of respondents is directed to forthwith remove the petitioner's name from the PCL, ECL, Blacklist, or any other stop list, restricting his travel outside Pakistan, subject to any restrictive order of the trial Court and if the petitioner's passport is in the custody of any authority, the same shall be returned to him immediately.

JUDGE

JUDGE

SHAFI*