

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Misc. Appl. No.1018 of 2025

**Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz-ul-Hassan Shah**

20.01.2026

Mr. Feroz Gul, advocate for applicant.
Mr. Ali Haider Saleem, Addl.P.G.

O R D E R

MUHAMMAD IQBAL KALHORO J:- An FIR bearing Crime No.192 of 2025 U/s 6/9(1)-3(d) of Sindh Control of Narcotic Substances Act, 2024 Read with Section 114 PPC was registered by Police of P.S. Gadap City Karachi against applicant alleging that during snap checking the applicant was arrested and from vehicle bearing No.AVR-364 Toyota Corolla White Colour, in which he was travelling, six K.G. of Charas was recovered.

2. The applicant was subjected to the trial on such charge in Sessions Case No.1822 of 2025 and was acquitted vide judgment dated 29.08.2025 on a benefit of doubt. The Trial Court while acquitting the accused passed an order u/s 25 of Sindh CNS Act, 2024 confiscating the aforesaid vehicle in favour of the Provincial Government. This order was challenged by the applicant after acquittal through a miscellaneous application u/s 517 Cr. P.C., which has been dismissed by the Trial Court vide impugned order dated 02.10.2025 holding mainly that when the order U/S 25 of Sindh CNS Act, 2024 is passed by a Special Court then it cannot recall the same u/s 517 Cr. P.C., hence this application.

3. Learned counsel for the applicant has submitted that the Trial Court has not properly appreciated scheme u/s 25 of Sindh CNS Act, 2024. The learned Additional P.G. has submitted that any order may be passed in accordance with law.

4. We have heard the parties and perused the material available on record including Section 25 of Sindh CNS Act, 2024. The articles referred to in the said provision liable for confiscation are the subject matter of Section 24: narcotics drug, psychotropic substance, precursor, chemical or contrary substance, material, apparatus and utensils in respect of which or by means of which the offence has been committed. This fact becomes further evident from Sub-Section (2) of Section 25 when it says that when any article seized under this Act is liable to confiscation u/s 24 but the person who committed the offence is not known or cannot be found the Special

Court may enquire into and decide such liability and may order confiscation accordingly. Section 24 not only mentions the list of articles which are liable to confiscation but points to a procedure which necessitates first freezing or seizure of such article. Further, Proviso to Section 25 sets out that no order of confiscation of an article shall be made until expiry of one month from the date of freezing or seizure or without hearing a person who may claim any right thereto. This procedure has to be followed insofar as confiscation of such articles is concerned. Confiscation of the vehicle has to follow a related distinct determination as is set out in Sub-section (2) of Section 24 which in clear term says that no vehicle, vessel, or other conveyance shall be liable to confiscation until it is proved that the owner thereof know that the offence was being or was to be committed.

5. In view thereof, it is not difficult to understand that the vehicle can be confiscated only in the circumstances when it is determined by the trial court that the owner of the vehicle was aware that the offence was being or was to be committed. The order of the trial Court is silent on this aspect. It has not assigned any reasons that as to how it came to a conclusion that the vehicle despite acquittal of the appellant was liable to be confiscated.

6. The scheme u/s 25 of Sindh CNS Act, 2024 entails in clear terms that the Court has to decide whether any article frozen or seized in connection with the offence under the Act is liable to confiscation or not. The determination of "liable to confiscation" necessitates a detailed analysis of relevant material leading to formation of a positive opinion in this regard. The trial Court cannot pass a cursory order by simply referring to power under Section 25 of Sindh CNS Act, 2024 and confiscating the given article or vehicle. Section 25 points out to a comprehensive procedure culminating at confiscation of the article, only followed by freezing or seizure of the said article, the notice of which the law requires shall be given to the person who may claim any right over such article.

7. A perusal of the judgment or the impugned order shows that the learned Trial Court has not referred to any fact regarding seizer or freezing of the vehicle, nor that any notice was given to the applicant who claims to be its owner. The impugned order fails to appreciate either scheme U/s 24 and 25 of Sindh CNS Act, 2024 and its joint impact. Further, the impugned order shows that the registered owner had filed an affidavit giving no objection to restoration of possession of vehicle in favour of the applicant who claims to have purchased the said vehicle (through an open transfer order). It is also admitted that it was the applicant from whose possession the vehicle was last recovered.

8. Since there is nothing on the record that the vehicle was frozen or seized u/s 24 and the proper procedure i.e. notice etc. was followed. Plus the fact, the judgment does not assign any reason establishing how the vehicle was liable to be confiscated despite the fact that the applicant was acquitted; or that he was in knowledge of the availability of narcotics, we do not find the impugned order sustainable in law. Accordingly, the impugned order is set aside the application is allowed. Let the said vehicle be restored to possession of the applicant on his furnishing a personal bond in the sum of Rs.200,000/- before the Trial Court.

Application is accordingly disposed of.

JUDGE

JUDGE

Imran