

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Rev.Application No.D-01 of 2026

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Syed Fiaz ul Hassan Shah.

Applicant: Pervez Ali son of Imam Ali,
Through Mr. Ghulam Mustafa Burdi, Advocate.

Respondent: The State
Through Mr. Irfan Ali Talpur, D.P.G for the State.

Date of hearing: 06.05.2026

Date of decision: 20.05.2026

ORDER

Syed Fiaz ul Hassan Shah, J: The applicant has challenged order dated 12.11.2024 passed on application under Section 517-A Cr.P.C for the release of vehicle Toyota Corolla Altis 1.6 bearing Registration No.BUD-659, Engine No.Q0075023, Chassis No.ZRE 17 1R-6052585, Model 2021 of super white coloured.

2. Briefly, FIR No.171 of 2021 was registered at PS Jamshoro by CIA Jamshoro, wherein accused Attaullah son of Habibullah Brohi was apprehended near Jamshoro Toll Plaza and two kilograms of heroin were allegedly recovered from his possession. The vehicle in question was seized and declared case property.

3. The applicant contends that he is the lawful owner of the subject vehicle, which has already been produced during trial proceedings, and therefore seeks interim custody.

4. The learned D.P.G. opposed the application, submitting that the vehicle is case property and cannot be released until final adjudication.

5. We have heard learned counsel for the parties and perused the record.

6. It appears that the applicant's earlier application under Section 516 Cr.P.C. was rejected on 03.09.2021 as premature. Subsequently, after recording of evidence, the applicant moved another application under Section 517 Cr.P.C., which was declined through the impugned order dated 12.11.2024.

7. The record reflects that the documents of ownership stand in the name of Muhammad Khurram son of Pervez, who has since expired. The applicant, being father and legal heir, has sought interim custody.

8. We have noted that the vehicle was produced by PW-1 Ahmed Ali son of Faquir Muhammad during his evidence, with a specific note by the trial Court confirming its presentation. Similarly, PW-2 Nisar Ahmed son of Jumu Khan also produced the vehicle in Court. Thus, the provisions of Section 516-A Cr.P.C. read with Section 517 Cr.P.C. can be attracted where the vehicle has been produced in the evidence. This pivotal aspect was overlooked by the trial Court while passing the impugned order.

9. As per prosecution's case, recovery was affected from the driver Attaullah, who disclosed that the envelope contained heroin. While an inference may be drawn that the matter was within the conscious knowledge of Attaullah, there is no material on record to suggest that the Investigation officer had examined the applicant or his deceased son before he declared the vehicle in question as the case property or that the deceased owner Khurram or the present applicant had conscious knowledge or acquiesced in the offence. No clear finding has been recorded by the trial Court on this point.

10. In these circumstances, we deem it appropriate to remand the matter. Consequently, the impugned order dated 12.11.2024 is set aside. The trial Court is directed to hear the parties afresh and pass a reasoned order on the application under Section 517 Cr.P.C. in light of the above observations and the material available on record, strictly in accordance with law.

J U D G E

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Ahmed/Pa,