

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 4473 of 2026
(M/s. Universal Huller & Traders versus Province of Sindh & others)

Constitutional Petition No. D – 5557 of 2026
(M/s. New Bashir & Co. versus Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 23.09.2026

Mr. Shumail Sikandar, Advocate for the Petitioner in C.P. No.D-4473/2026.
Mr. Kuldip Kumar, Advocate for the Petitioner in C.P. No.D-5557/2026.
Mr. Zohaib Zulfiqar Sarki, A.A.G.

Adnan-ul-Karim Memon, J The petitioners have filed this Constitutional
Petition under Article 199 of the Constitution, seeking the following reliefs:

“CP No.D-4473/2026.

- a) Declare that the Impugned Notification No. SO(W)4(14)/2025-26 dated 08.07.2026 (Annexure "C"), issued by Respondent No.2, is illegal, ultra vires the Sindh Food Grains (Licensing Control) Order, 1957, ultra vires the Cabinet Decision dated 07.07.2026. unconstitutional, and void ab initio, and consequently be set aside:*
- b) Suspend the operation of the Impugned Notification No. SO(W)4(14)/2025-26 dated 08.07.2026 (Annexure "C") during the pendency of this petition;*
- c) Declare that the sealing of licensed premises on 10.07.2026 of the Petitioner's wheat stock and plant and machinery is illegal, without lawful authority, coram non judice, and void ab initio:*
- d) Direct the Respondents to forthwith unseal, release, restore, and hand back to the Petitioner the wheat stock and the plant and machinery sealed on 10.07.2026, and to de-seal the Petitioner's business premises;*
- e) Restrain the Respondents, their officers, servants, and agents from transporting, disposing of, selling, or otherwise dealing with the wheat stock and plant and machinery seized on 10.07.2026, and from taking any further adverse &/or coercive action pursuant to the Impugned Notification, pending disposal of this petition;*

2. The case of the Petitioner is that the Petitioner a licensed grain dealer operating under the Sindh Food Grains (Licensing Control) Order, 1957 ("1957 Order"), holding valid licenses through December 31, 2026. The Petitioner claims to have lawfully purchased approximately 2,000 metric tons of wheat from the open market at prevailing commercial rates (Rs. 11,000-11,100 per 100kg) to sell to local small flour mills (*atta chakkis*). This private purchasing was necessary because the Provincial Food Department completely failed to initiate an effective government procurement drive or distribute *bardana* (gunny bags) to local farmers during the peak harvest season (March-April 2026). It is added that the Provincial Cabinet of Sindh constituted a joint committee under the Home/Law and Food Ministers to recommend stock limits for mills and traders, while

advising that seized stock be sent to Provincial Reserve Centers (PRC) at the government support price of Rs. 3,500 per 40kg. Before the joint committee ever met or deliberated and a day before the Cabinet's own official minutes were even issued, Respondent No. 1 via the Food Secretary unilaterally issued Notification No. SO(W)-1(14)/2025-26 "Impugned Notification". It imposed an immediate province-wide stock limit of 1,000 metric tons for traders. The Food Department issued implementation directions to transport seized stocks immediately to PRCs. On the same day, Respondents Nos. 4 to 8 raided and sealed the Petitioner's licensed business premises, immobilizing both the lawfully purchased wheat stock and the plant and industrial machinery compelling him to approach this Court.

3. Learned counsel for the petitioner submitted that the Impugned Notification is *ultra vires* the 1957 Order and the Cabinet's July 7 decision. He adds that the Food Secretary lacked the authority to bypass the Cabinet-mandated joint committee. Furthermore, Sub-clause (xii) of Clause 2 of the 1957 Order does not grant the executive power to impose blanket, retroactive stock ceilings mid-license term. He argued that under Clause 7 of the 1957, Order, seizure is a conditional, two-stage process. He emphasized that Licensing Authority must first issue an individualized direction requiring a trader to declare and sell excess stock [Clause 7(i)]; seizure [Clause 7(ii)] is authorized *only* if the trader fails to comply. The Respondents bypassed this mandatory precondition entirely, rendering the seizure *coram non judice* and illegal. He further submitted that neither the Impugned Notification nor Clause 7 confers any power to seize, seal, or interfere with capital equipment, plant, or machinery. It is submitted that seizing the Petitioner's industrial processing equipment is completely without lawful authority. He argued that Article 18 of the Constitution provides Freedom of Trade and Unilaterally halting business operations months after the harvest season without a transitional window or exit mechanism is an unreasonable, punitive restriction on lawful trade. He submitted that seizing wheat bought at market rates Rs.11,000/100kg to forcibly monetize it at a lower government support price Rs.3,500/40kg or Rs.8,750/100kg at the owner's expense amounts to unconstitutional confiscation without fair compensation. He added that applying immediate enforcement without prior notice, a hearing, or transparent verification criteria violates natural justice, procedural due process, and protection against arbitrary state action. The Petitioner prays that this Court declare the Impugned Notification dated July 8, 2026, and the subsequent sealing actions of July 10, 2026, illegal and void *ab initio*. Consequently, the Petitioner requests an order directing the immediate unsealing of the premises, release of the machinery and wheat stock, and a permanent injunction restraining the Respondents from taking further coercive actions or forcibly transporting the stock to PRCs. He prayed to allow this petition.

4. “CP No.D-5557/2026.

“I. Declare that the act of the Respondents in treating the wheat stock lawfully held by the Petitioner under License No. DFC/E/K/FGL/01/2026 as stock belonging exclusively to another licensee, and in seizing and lifting the same as such, is illegal, without lawful authority, coram non judice, and of no legal effect;

II. Declare that two separately licensed concerns carry two separate permissible stock entitlements under the Sindh Food Grains (Licensing Control) Order, 1957, and that the storage of stock at premises held in common ownership or common use does not merge, extinguish or diminish the separate lawful entitlement of either licensee;

III. Declare that only such quantity of wheat as genuinely exceeds the aggregate of the independently permissible entitlements of the separately licensed concerns concerned is capable of being dealt with as excess stock, and that even such quantity may be dealt with only upon strict compliance with the sequence prescribed by Clause 7 of the said Order, namely a prior individualized direction to declare and sell, followed by seizure only upon failure to comply therewith;

IV. Declare, so far as may be necessary for the grant of the foregoing relief, that Notification No. SO(W)4(14)/2025-26 dated 08.07.2026 is void for uncertainty insofar as it purports to fix a maximum stock limit for a licensed "Trader", and is in any event ultra vires the Cabinet decision dated 07.07.2026 and the Sindh Food Grains (Licensing Control) Order, 1957,

V. Declare that the wheat stock referable to the Petitioner's lawful entitlement, not being excess stock, is not liable to be disposed of at the notified Government Support Price of Rs. 3,500 per 40 kilograms or at any other rate fixed by the executive, and restrain the Respondents from so disposing of the same,

VI. Direct the Respondents to hold and conclude, within such time as this Hon'ble Court may fix, the comprehensive enquiry sought by the District Food Controller, West Karachi in his Report No. DFC/W/Uni-Huller/2026/235 dated 22.07.2026, and to place the record and the outcome thereof before this Hon'ble Court, together with a full accounting of the total quantity of wheat lifted from the said premises, the place or places at which the same is presently lying, and the quantity, if any, already disposed of,

VII Direct the Respondents to forthwith identify, quantify and segregate the wheat stock referable to the Petitioner's lawful entitlement out of the stock lifted from Industrial Plot No. 15, Sector/Sheet/Block-6 (Plot No. D-135), Haroon Abad, UC-3. Jahanabad, SITE Town, Karachi, upon due verification of the licenses, stock registers, daily accounts, invoices, purchase and source documents and business records of the concerns having recourse to the said premises,

VIII. Direct the Respondents to preserve the said quantity intact pending the disposal of this Petition, and thereafter to return and release the same to the Petitioner, and, if the original stock has been intermingled, shifted, consumed or otherwise dealt with, to return to the Petitioner an equivalent quantity of wheat of like description and quality:

IX. Restrain the Respondents, their officers, servants and agents from selling, auctioning, supplying, transferring, monetizing, moving to third parties, creating any third-party interest in, or otherwise dealing with or disposing of the wheat stock referable to the Petitioner's lawful entitlement, in any manner whatsoever,

X. Declare that no charge of transportation, lifting or handling can lawfully be imposed upon, recovered from, or adjusted against the Petitioner in respect of stock lying within the permissible limit, and direct the refund and reimbursement of any such charge already recovered or borne by the Petitioner, together with an accounting where such charges have been computed upon the entire quantity lifted rather than upon any properly established excess,

XI. Restrain the Respondents from deducting or adjusting any charge of transportation, lifting or handling from any sum found payable to the Petitioner,

XII. Restrain the Respondents from taking any coercive or adverse action against the Petitioner, its license, its stock or its business otherwise than strictly in accordance with law."

5. It is the case of the Petitioner that M/s. New Bashir & Co., is a sole proprietary concern. The concern is a duly registered and licensed dealer in foodgrains, holding a valid Licence No. DFC/E,K/FGL/01/2026 issued on January 5, 2026, by the District Food Controller, East Karachi, under Form 'A' of Schedule II to the *Sindh Foodgrains (Licensing Control) Order, 1957*. It is submitted that the licence was issued against official treasury fees, authorizes the Petitioner to act as a wholesale and retail trader/broker in foodgrains, and was fully subsisting, valid up to December 31, 2026, and unblemished by any past suspension, cancellation, or disciplinary proceedings. It is added that the commercial operations of the Petitioner are conducted from Industrial Plot No. 15, Sector/Sheet/Block-6 (Plot No. D-135), measuring 1,727 square yards, situated at Haroonabad, SITE Town, Karachi. The property was originally held under a 99-year lease by the City District Government Karachi jointly by three co-owners, including the late Mr. Muhammad Bashir. Following succession proceedings in S.M.A. No. 178 of 2022 and subsequent registered Release Deeds in 2023, the entire premises vested in Mr. Humair and his two co-heirs as undivided co-owners. It is submitted that the Petitioner's commercial presence at this specific address is an established public record, further confirmed by Federal Board of Revenue (FBR) tax withholding receipts (Section 236K of the Income Tax Ordinance, 2001) explicitly listing "NEW BASHIR & CO." at the subject premises. He submitted that M/s. Universal Huller & Traders, a partnership firm holding a distinct Foodgrains Licence No. 422 issued by the District Food Controller, West Karachi. He pointed out that although the persons behind both concerns belong to the same family, they constitute two independent legal entities holding separate licenses issued by different licensing authorities. Neither the 1957 Order nor any executive notification merges two separate licences merely because the licensees share a common family tie or store stock in an undivided, shared warehouse. It is added that under the regulatory framework, statutory rights and stock entitlements attach strictly to the *licensee*, not to the physical building. He pointed out that on July 7, 2026, the Provincial Cabinet approved policy measures to restrict wheat stock limits. Pursuant to this, Respondent No. 2 issued Notification No. SO(W)-a(14)/2025-26 on July 8, 2026, fixing the maximum permissible wheat stock for a licensed Trader at 1,000 Metric Tons (MT). On July 9, 2026, officials from the Food Department, Intelligence Bureau, and Revenue Department raided and sealed the premises. The raiding team initially reported stock of 40,000 bags 4,000 MT. However, an internal departmental report No. DFC/W/Uni-Huller/2026/235, dated July 22, 2026 authored by the District Food Controller, West Karachi, revealed severe flaws in the raid as the actual stock did not exceed 25,000 bags 2,500 MT in damaged,

mixed bagging. No actual count or weighing had been conducted during the raid. The DFC explicitly requested a comprehensive formal inquiry to explain how 40,000 bags were originally reported, noting that either the initial figure was drastically exaggerated or a massive quantity of wheat had gone missing while the premises were under exclusive government seal. It is submitted that between July 16 and August 22, 2026, the Respondents lifted the entire inventory from the warehouse. The combined lawful entitlement of the two independent licensees sharing the facility was 2,000 MT 1,000 MT each. Against a total accounted inventory of approximately 2,186.585 MT 1,086.585 MT initially removed plus ~1,100 MT remaining as of July 22, the maximum possible excess across both entities was only 186.585 MT. It is contended that instead of determining individual ownership or removing only the disputed excess of ~186.585 MT, the Respondents removed the entire 2,186.585 MT, completely stripping the Petitioner of its lawful, permissible stock quota.

6. Learned counsel submitted that Under Clause 7 of the *1957 Order*, the power of seizure is strictly derivative and two-tiered. Sub-clause (i) requires the Licensing Authority to first issue an explicit direction to the holder to declare and sell stock held in excess of normal limits. Only upon a failure to comply with such a direction does the power of seizure under sub-clause (ii) arise. No notice, direction, or show-cause was ever served upon the Petitioner, making the seizure *coram non judice* and void. The Respondents acted arbitrarily by treating the entire stock as belonging to a single entity. Physical co-location does not merge distinct legal persons or statutory licences; that the Respondents ignored the prominent signage of M/s. New Bashir & Co. at the gate and failed to examine stock registers, tax records, or purchase invoices. Statutory authority under the 1957 Order extends solely to stock *in excess* of the permissible ceiling. By confiscating the entire stock, including the 2,000 MT permissible aggregate quota, the Respondents committed an act of outright confiscation without statutory backing; that the Respondents propose to sell the seized wheat to flour mills at the government support price of Rs. 3,500 per 40 kg well below commercial market value and levy transportation charges against the owners; that disposing of the stock while the internal departmental enquiry requested on July 22 remains unanswered would destroy the physical evidence required to determine actual quantities and responsibility. In the alternative, he submitted that the impugned Notification suffers from fatal uncertainty, as the printed stock limit for a "Trader" contains typographical ambiguity regarding whether the numerical ceiling represents 1.000 MT or 1,000 MT. He prayed to allow this petition

7. Learned AAG, while refuting the submissions of learned counsel for the petitioners, submitted that the impugned notification dated 08.07.2026 was issued by the competent authority pursuant to the policy decision of the Provincial

Cabinet dated 07.07.2026 and within the regulatory framework of the Sindh Food Grains (Licensing Control) Order, 1957, with the object of regulating and controlling the hoarding and excessive stocking of wheat in the province. He contended that the petitioners cannot claim an unrestricted right to retain wheat merely based on subsisting licences, as such licences remain subject to the statutory powers of the Food Department and the stock limits prescribed by the competent authority. He further submitted that the petitioners' reliance upon Clause 7 was/is misconceived, as the action taken by the authorities was/is pursuant to the notified stock limit and the enforcement measures authorized under the 1957 Order, and the petitioners could not defeat such regulatory action by asserting that the stock was stored in premises jointly used by separately licensed concerns. Learned AAG maintained that the question of ownership, quantity and entitlement of the stock was a matter requiring verification from the relevant licences, stock registers, purchase documents and departmental record, and could not be conclusively determined merely on the petitioners' assertions. He submitted that the authorities had acted in the public interest to prevent hoarding and ensure availability of wheat and flour, and that the proposed transfer of excess stock to Provincial Reserve Centers was in accordance with the Government's policy and notified support price. He also disputed the allegation that the authorities had unlawfully confiscated the petitioners' entire stock or machinery, contending that the measures taken were regulatory and subject to determination of the actual quantity of permissible and excess stock. As regards the alleged discrepancy in the quantity initially reported, learned AAG submitted that any difference in the figures could be reconciled through the departmental inquiry and verification process and did not, by itself, invalidate the notification or the subsequent action. He further contended that the allegation of typographical ambiguity if any in the notified stock limit was not sufficient to render the notification void, particularly when the policy decision and subsequent implementation proceeded based on the prescribed ceiling of 1,000 metric tons. It was finally submitted that the petitioners had an adequate opportunity to establish their respective entitlement before the competent authorities and that no case has been made out for interference under Article 199 of the Constitution; hence, the petitions are liable to be dismissed. He prayed to dismiss these petitions.

8. We have heard learned counsel for the petitioners and learned AAG and have examined the record in the light of the provisions of the Sindh Food Grains (Licensing Control) Order, 1957.

9. There can be no cavil with the proposition that the Government of Sindh is competent to regulate the purchase, storage, movement and disposal of wheat and to prescribe reasonable stock limits in the public interest, particularly for preventing hoarding and ensuring availability of essential foodgrains. A subsisting

licence, therefore, does not confer an unrestricted or indefeasible right upon a licensee to retain wheat in excess of the quantity lawfully permissible under the applicable regulatory regime. Indeed, the object of the Foodgrains Order is to regulate the holding and disposal of foodgrains so as to secure their availability and equitable distribution. The Supreme Court has also recognized that the regulatory scheme permits restrictions upon the storage and disposal of foodgrains in excess of the prescribed or normal quantity.

10. However, the existence of such regulatory power does not dispense with compliance with the procedure expressly prescribed by law. Clause 7 of the Sindh Food Grains (Licensing Control) Order, 1957 contemplates a sequential exercise of power in respect of stock held in excess of the permissible limit. Where the Licensing Authority forms the view that a licensee is holding excess stock, the statutory mechanism requires, in the first instance, a direction under Clause 7(i) requiring the concerned holder to declare and sell the excess stock in the prescribed manner; the coercive consequence of seizure under Clause 7(ii) is attracted only upon failure to comply with such direction. Thus, the power of seizure cannot be treated as an independent or unlimited power to appropriate every quantity found at the premises of a licensed dealer. The statutory distinction between permissible stock and excess stock must be maintained, and only the latter can validly be subjected to the coercive consequences contemplated by Clause 7. For convenience sake an excerpt of Clause 7 is reproduced as under:

“ 7.(i) The Licensing Authority may require any person or class of persons, who according to the information of the Licensing Authority, holds stock of food grains in excess of or normal quantity, to declare and sell the stocks held by him in excess or normal quantity at such price and to such persons or class of persons or agency and in such manner as may be specified by the Licensing Authority.

(ii) The Licensing Authority may seize the stock of food grains if the holder of such stocks does not dispose them of in accordance with the directions issued by the Licensing Authority and may then dispose it of as it deems fit.

(iii) The Licensing Authority may require a licensee to comply with the directions issued by the Government for execution of a special package in the manners specified by the Government.”

11. In the present cases, the material placed before the Court gives rise to a serious question as to whether the mandatory sequence contemplated by Clause 7(i) and (ii) was followed before the entire stock was lifted and removed from the petitioners' premises in both cases, however, no material has been shown, at this stage, demonstrating that an individualized direction under Clause 7(i) was first served upon the concerned licensee, specifying the quantity found to be in excess and requiring its declaration and sale, followed thereafter by seizure upon failure

to comply. In the absence of such material, the respondents *prima facie* cannot justify the wholesale removal of the entire stock merely by relying upon the existence of a notified ceiling. Regulatory authority to deal with excess stock cannot be converted into authority to seize stock which falls within the permissible entitlement of a licensee, as disclosed in the clause 7 of the Order, 1957.

12. Equally, the mere fact that the stocks of M/s. New Bashir & Co. and M/s. Universal Huller & Traders were stored at the same premises, or that the persons connected with the two concerns are members of the same family, does not by itself establish that the two licences stood merged or that the statutory entitlement of one licensee ceased to exist. The question is not merely where the wheat was physically lying, but to which licensed concern the stock was attributable and whether, after verification of the respective licences and business records, the aggregate or individual holding exceeded the quantity lawfully permissible. The fact that the premises were jointly owned by three co-owners, including the late Muhammad Bashir, and subsequently devolved upon his successors is primarily a matter concerning title and possession of the premises; it cannot, without more, determine ownership of the wheat stock or extinguish a separate statutory licence. The authorities *prima facie* are therefore required to distinguish between the ownership of the premises, the identity of the licensees, and the ownership or lawful entitlement of the stock stored therein, by haring the well speaking order.

13. So far as the purported discrepancy between the initial report of approximately 40,000 bags and the subsequent departmental assessment of substantially lesser quantity also cannot be brushed aside as a mere arithmetical matter. Where the Government has taken physical custody of the entire inventory, it assumes a corresponding obligation to maintain an accurate account of the quantity lifted, the place of storage, the condition of the stock and its subsequent movement or disposal. The report of the District Food Controller dated 22.07.2026 *prima facie* itself indicates the necessity of a comprehensive verification regarding the actual quantity available at the premises. Until such exercise was completed, disposal of the entire stock could irreversibly prejudice the petitioners' claim concerning permissible stock and could also frustrate determination of the very quantity, if any, which constituted excess stock. This issue should be reasoned by the competent authority by hearing all concerned.

14. At the same time, this Court cannot accept the proposition that no wheat can be recovered merely because it was purchased under a valid licence. If, after proper verification of assessment by the competent authority, it is established that a licensee was holding wheat beyond the permissible ceiling, the competent authority is entitled to proceed against such excess quantity in accordance with Clause 7 of the 1957 Order and the applicable governmental policy. The

petitioners' right, therefore, is not to retain stock beyond the lawful ceiling, but to have the quantity lawfully attributable to them and the quantity constituting excess stock determined through a lawful, transparent and record-based process as discussed supra. The Government's power to prevent hoarding consequently remains intact, but its exercise must remain confined to the extent authorized by law.

15. The same principle applies to the proposed disposal of the seized wheat at the notified Government Support Price and to the recovery of transportation, lifting or handling charges. Such consequences can lawfully attach only to the quantity which is established, after due verification and in accordance with the governing law, to be excess stock liable to be dealt with under Clause 7. The respondents cannot, merely by reason of having physically lifted the entire inventory, treat the whole quantity as confiscated or recover the consequential charges from the petitioners in respect of stock which is ultimately found to have been within their permissible entitlement.

16. As regards the plant, machinery and industrial equipment, no provision has been brought to the notice of the Court demonstrating that Clause 7 of the 1957 Order authorizes the seizure or permanent retention of capital machinery merely because wheat in excess of the prescribed limit was allegedly found at the premises. Any such seizure must have an independent and identifiable statutory basis. The regulatory power relating to foodgrain stock cannot automatically be extended to machinery or other property of the licensee without lawful authority.

17. However, if any portion of the wheat, machinery or other property has been formally seized in connection with a criminal case/FIR and has been produced before, or is otherwise subject to the custody and orders of, a competent Criminal Court, its release or final disposal shall necessarily remain subject to the jurisdiction and orders of that Criminal Court under the Code of Criminal Procedure, 1898. In particular, section 516-A Cr.P.C. governs custody of property during the pendency of a criminal inquiry or trial, while section 517 Cr.P.C. empowers the Criminal Court, upon conclusion of the proceedings, to order destruction, confiscation or delivery of the property to the person found entitled to possession. Besides, where property has been seized by police in circumstances attracting section 523 Cr.P.C., the seizure is required to be reported to the Magistrate, who may pass an appropriate order regarding its custody or delivery to the person entitled to possession. Thus, the existence of a criminal case cannot be used by the executive authorities as a ground for indefinite retention or disposal of case property contrary to orders of the competent Criminal Court; conversely, this Court is not in a position to order for release of property in a manner which defeats the lawful custody or jurisdiction of that Court.

18. Consequently, we deem it proper to direct the competent Food Authorities to undertake a fresh, comprehensive and license-wise verification of the stock removed from the petitioners' premises as discussed in the preceding paragraph and pointed out in the additional comments whereby show cause notice had been issued for such mis-declaration of wheat stocks, subsequent licenses were cancelled with clause 10 of the Order, 1957. It is further referred that Petitioner in C.P. No.D-4473/2026 de-sealed the subject premises to remove the wheat stocks and remaining stocks were deliberately left at Petitioners' premises for determination by this Court. Such exercise shall include examination of the original licences, stock registers, purchase invoices, source documents, daily accounts, tax records, transportation documents and all other relevant material, as well as the departmental record relating to the raid, lifting and subsequent storage of the wheat. The competent authority shall specifically determine: (i) the total quantity actually found and lifted; (ii) the quantity attributable to each separately licensed concern; (iii) the permissible stock entitlement of each licensee under the applicable notification/order; and (iv) the precise quantity, if any, constituting excess stock.

19. Insofar as any quantity is established to have been within the permissible entitlement, the same cannot be disposed of as excess stock and shall be restored to the person lawfully entitled thereto, subject always to any lawful order of a competent Criminal Court where such quantity forms part of case property. If any quantity has already been sold, transferred, consumed or otherwise disposed of without lawful determination of its status, the respondents shall place before the competent authority/Court a complete account thereof and determine the consequential relief available in accordance with law. Conversely, any quantity demonstrably found to be in excess of the permissible ceiling may be dealt with strictly in accordance with Clause 7 of the 1957 Order, including compliance with the requirement of Clause 7(i) before resort to seizure under Clause 7(ii), unless a distinct and legally applicable statutory provision authorizes a different course.

20. The respondents shall further preserve the remaining stock and all relevant records and shall not dispose of or create any third-party interest in the quantity claimed by the petitioners until the aforesaid verification is completed, except to the extent that disposal is specifically authorized by a competent Criminal Court or is otherwise expressly sanctioned by law. Any perishable-stock consideration shall, however, be dealt with by the competent authority/Court in accordance with the applicable provisions of law and after proper documentation and preservation of representative samples and evidence where required.

21. In view of the foregoing, the petitions are disposed of to the above extent. The impugned regulatory notification shall not be treated as invalid merely because it prescribes a stock ceiling for licensed traders; however, its

implementation and all consequential action shall remain subject to the statutory safeguards and procedure prescribed by the 1957 Order, what should be determined by the competent authority in three (03) weeks. The respondents shall not treat the entire stock found at the premises as automatically forfeited or excess merely because it exceeded the ceiling applicable to a particular licensee. The lawful entitlement of each separately licensed concern shall first be determined, and only the quantity proved to be in excess shall be dealt with under the law. Any property forming part of a criminal case shall be dealt with strictly in accordance with the orders of the competent Criminal Court under the Code of Criminal Procedure, 1898. The parties shall bear their own costs.

JUDGE

JUDGE

Nadeem Qureshi PA