

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present: Justice Muhammad Hashim Khan Kakar
Justice Ishtiaq Ibrahim
Justice Ali Baqar Najafi

Criminal Petition No. 1548/2023

(Against the order/judgment dated 24.11.2023
Passed by the Peshawar High Court, Peshawar
In Crl. Appeal No. 721-P/2023)

Najeeb Ullah

Petitioner(s)

Versus

The State thr. DAG

Respondent(s)

For the Petitioner(s):

Mr. Aftab Khan, ASC

For the State:

Mr. Munawar Iqbal Duggal, Addl. Attorney
General for Pakistan
a/w Mr. Jamzor Khan, ASC
Ms. Fareha Naqvi, DC Customs,
Mr. Babar Hussain, Suptd. Customs
Mr. Muhammad Imran, Inspector
Mr. Muhammad Zeeshan,
(via V/L from Peshawar)

Date of Hearing:

11.09.2025

ORDER

Muhammad Hashim Khan Kakar, J. We have heard the learned counsel for the parties and have perused the record which reveals that the vehicle bearing registration No. KBL-827 was taken into possession by the Customs Authority in pursuance of crime No. 04/2022 dated 08.01.2022 and from the possession of one Abdul Raheem Khan and during search 7 kg Heroin and 2 kg Methamphetamine (Ice Drug) were recovered from the secret cavity of the vehicle in question. However, the bail was granted to the said Abdul Raheem Khan on medical grounds and due to his abscondence, proceedings were carried out under section 512 Cr.P.C and the statements of three witnesses i.e., Mr. Babar Hussain, Inspector, Mr. Muhammad Imran, Inspector and Mr. Muhammad Zeeshan, Inspector, were recorded in presence of Special

during the pendency of the case an application under section 516-A of the Cr.P.C for the superdari of vehicle in question was moved by the petitioner, Najeeb Ullah, accompanied by the death certificate of said Abdul Raheem Khan issued by the Ministry of Interior, Islamic Emirate of Afghanistan, which was declined by the learned Sessions Judge, Khyber vide order dated 16.03.2023. The same was assailed before the Peshawar High Court, Peshawar by means of Crl. Appeal No. 721-P/2023 which was also declined vide order dated 24.11.2024 hence the instant petition.

2. The learned counsel for the petitioner contended that the petitioner, Najeeb Ullah, is the last possessor of the vehicle as well as registered owner of the vehicle in question as such his request for return of the vehicle in question was declined by the courts below contrary to the law. When the learned Addl. AG was confronted with the contention of petitioner's counsel he frankly conceded and fairly suggested that it would be appropriate to set aside the impugned orders and direct the petitioner to approach the Trial Court for superdari of the vehicle in question on the strength of registration document. The application moved by the petitioner under section 516-A of Cr.P.C for superdari of the vehicle shall be deemed to be pending before the Trial Court and it shall be decided afresh on its own merits. The petitioner is directed to appear before the Trial Court within a period of one month. This petition is, therefore, converted into an appeal and disposed of in such terms.

