

Or.....03  
19.12.2020

APP for the state present. Petitioner alongwith counsel present. Final Report received.

Through my this single order, I intend to dispose off an application for Superdari of the Toyota Vitz Motor car bearing Chassis No. SCP13-0044707, seized by the PS Ghiljo, U/Orakzai, filed by the petitioner.

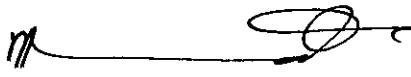
Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that the vehicle in question has been impounded from the Petitioner by the PS: Ghiljo, U/Orakzai. As per the application bearing no. CII/KT/2020/83, Dated: 11.11.2020, of the directorate of intelligence and investigation-FBR, FIU, Kohat to the Jr. User Support Officer, intelligence and investigation (PRAL), Peshawar, it has been found vide verification report no. 37 Dated: 13.11.2020, available on the other handing over petition file bearing no. 9/4, titled as "Superintendent Vs Israr Ullah" that the vehicle in question is a foreign made, neither registered with the excise department nor custom paid vehicle and is a smuggled one. This status of the vehicle in question is also mentioned in the investigation report of the PS: Ghiljo, U/Orakzai. In these circumstances, when the vehicle is foreign made and duties have not been paid in accordance with the law, the Superior Courts of the country on so many times held that such like vehicles be handed over to the custom authorities for proper proceedings as per the law. Thus, in compliance of the judgment passed by the apex court of Pakistan in Criminal Petition No. 802 of 2015, decided on 29.06.2016, the vehicle in question is directed to be handed over to the customs authorities instead of the instant petitioner by accepting their application separately filed by them bearing No. 9/4, titled as "Superintendent Vs Israr Ullah"

For the reasons stated above, the application of the petitioner is **dismissed**.

Copy of this order be placed on original record. Requisitioned record be returned while file of this court be consigned to the record room after its necessary completion and compilation.

**Announced**  
19.12.2020

  
(Rehmat Ullah Wazir)  
CJ-JM-I  
Orakzai (at Baber Mela)