Superdari of Case Property under Pakistani Law

Sections 516-A, 517, 523 and 550 Cr.P.C. and Section 74 CNSA (1972–2026)

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Abstract

This paper examines 63 reported judgments on superdari (interim custody) and disposal of case property — 27 of the Supreme Court of Pakistan and 36 of the Peshawar High Court, decided between 1972 and 2026 — collected on the Pakistan Law Site. It covers the nature of superdari under section 516-A Cr.P.C., who is entitled, vehicles used in narcotics offences under section 74 CNSA, police seizures under sections 523 and 550, tampered and non-customs-paid vehicles, bank-financed vehicles, bonds and the superdar's duties, and final disposal under section 517. The main finding is that superdari is interim and does not decide title, that the registered owner is prima facie entitled, and that in narcotics cases an innocent owner with no nexus to the accused may recover his vehicle (PLD 2020 SC 299; 2010 SCMR 1181). Police cannot hold property under section 550 without a case, but vehicles with tampered chassis numbers or unpaid customs duty are not released to anyone, and the court must take a bond with sureties rather than cash.

Keywords: superdari; case property; section 516-A Cr.P.C.; section 517; section 523; section 550; custody of vehicle; section 74 CNSA; narcotics; tampered chassis; non-customs-paid vehicle; surety bond; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

Every criminal case produces property: a vehicle stopped at a checkpoint, cash recovered on the accused's pointation, a stolen buffalo, a truck carrying contraband, a car taken by police on suspicion. Trials take years, and property kept in a police yard loses its value. Superdari — handing case property to a person on bond to keep and produce when required — is the law's answer, and applications for it are among the most common miscellaneous matters before Magistrates, Sessions Courts and Special Courts in Khyber Pakhtunkhwa.

The practical questions are these. Who is entitled to superdari: the registered owner, the last possessor, the complainant or the person from whom the property was taken? What changes when the property is a vehicle used to carry narcotics? Can police hold property under sections 523 and 550 without a case? What happens to vehicles with tampered chassis numbers, non-customs-paid vehicles, or cars repossessed by banks? What are the superdar's obligations, and what happens to the property at the end of the trial? The answers are drawn from the reported judgments of the Supreme Court of Pakistan and the Peshawar High Court.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (superdari, 516-A, S.516-A, S. 517, S. 523, S. 550, case property, custody of vehicle, release of vehicle, interim custody and others) were run over all years. Results were filtered to the Supreme Court and the Peshawar High Court and screened for an actual holding on custody or disposal of case property; customs adjudication on redemption fines and cases on chain of custody as evidence were left out. For all 63 judgments kept, the reported text was opened on the site to take the bench, case number and date and to check the headnote against the operative part; where they differed, the operative part was followed.

3. The Law in Phases

3.1 The framework

Section 516-A of the Code of Criminal Procedure, 1898 allows a criminal court, during an inquiry or trial, to make such order as it thinks fit for the proper custody of property regarding which an offence appears to have been committed, including delivery to a person on bond. Section 517 governs final disposal at the end of the inquiry or trial. Sections 523 to 525 deal with property seized by the police and reported to a Magistrate, including property of unknown owners, and section 550 empowers police to seize property suspected to be stolen or found in suspicious circumstances. Special laws add their own rules: section 74 of the Control of Narcotic Substances Act, 1997 (CNSA) restricts custody of conveyances used in narcotics offences, and the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 contains its own confiscation procedure in sections 34-A and 34-B.

3.2 The nature of superdari

Superdari is interim and discretionary. It does not prejudice the trial or give anyone a clean chit; it lasts, on bond and surety, until the case ends (2025 SCMR 1041). The power is to be used judiciously, and property need not go to the person from whom it was recovered — the law favours the person entitled to possession (2005 YLR 3131). An order of superdari does not decide title; its observations are tentative and title is for the civil court (2005 SCMR 1063; 1992 SCMR 1454; 1972 SCMR 159). Where title is genuinely in dispute, security abiding by the civil court's decision may be required (1998 SCMR 2542), or the property kept in police custody (1972 SCMR 159).

3.3 Who is entitled

The starting point is the registered owner, who is prima facie entitled unless a competent court decides otherwise (2023 SCMR 711). The Peshawar High Court has given the vehicle to the registered owner and last possessor over a holder of an unverified open transfer letter (2016 PCr.LJ 437), to a purchaser by transfer deed where no one else claimed (2013 YLR 1746), and to an admitted owner leasing company (2010 PCr.LJ 105). The last-possessor principle also helps a robbery victim recover his cash (2025 YLR 2368). But it gives way to a better claim: where a vehicle was the subject of criminal breach of trust, the complainant's purchase deed prevailed over the possessor (2026 MLD 461), and possession of a stolen registration book gives no title, so the insurer under subrogation took the vehicle (2013 PCr.LJ 204).

A claimant must prove something. Without a registration book (2009 SCMR 911), with an unchallenged civil finding against him (2005 SCMR 766), on a photocopy affidavit never placed before the trial court (2012 MLD 1043), or with no documents at all (2016 PCr.LJ 67; 2023 YLR 1761), he fails. Where ownership depends on a chain of transfers that only evidence can untangle, superdari is refused at that stage (2018 PCr.LJ 1310). The Supreme Court in 2011 SCMR 1994 left custody to the trial court, after hearing both sides, once the challan was in.

Superdari decisions are largely findings of fact. The Supreme Court set aside a High Court writ that upset the concurrent findings of the Magistrate and Revisional Court without pointing to any legal infirmity (2014 SCMR 1536), and it sent back a superdari decided without the registration record needed to identify the vehicle (1994 SCMR 1643).

3.4 Vehicles used for narcotics

Section 74 CNSA forbids release of a conveyance used in narcotics offences to the accused, his associate or relative, or "any private individual". The Supreme Court has read that phrase narrowly: it means someone with a nexus to the offender or offence, not an innocent owner (2010 SCMR 1181). The test is now stated in PLD 2020 SC 299: the applicant must show that he is the lawful owner and is neither the accused nor an associate, relative or person with any nexus to him. There is no absolute bar where the owner prima facie had no knowledge (2003 SCMR 246), and the registered owner who is not an accused and whom no one contests should get the vehicle back (2011 SCMR 1471).

The Peshawar High Court applies the same test both ways. It has released vehicles to owners with no connection to the accused (2020 PCr.LJ 284), to a lessee who had paid most instalments and knew nothing of the crime (2013 YLR 1626), and to an owner who rented the vehicle to the driver, holding that no onus lies on him to prove lack of knowledge (2008 MLD 1603). It has refused the accused's father (2016 PCr.LJ Note 120), an owner whose own driver was the accused (2015 PCr.LJ 779), and a claimant who could not explain his purchase in a large charas case, where the vehicle had to be exhibited at trial (2014 PCr.LJ 1333). A car merely suspected of escorting a narcotics vehicle cannot be withheld or auctioned without a speaking order on record (PLD 2004 Peshawar 251). Under the 2019 provincial Act, confiscation without notice to the owner was set aside (2023 YLR 770).

Two related points concern the narcotics themselves. Destroying them without notice, samples or the trial court's permission is illegal (PLD 2010 SC 623; PLD 2017 Peshawar 74), and when the prosecution fails to produce recovered narcotics or the vehicle in court, an adverse inference may be drawn (2023 SCMR 781). Owners are presumed to know what was reasonably accessible to them: a trawler owner could not escape confiscation by pleading ignorance of his crew's illegal fishing (PLD 2025 SC 478), and confiscation of a contraband truck under the Prohibition Order survived the accused's acquittal (PLD 2005 SC 160).

3.5 Seizures under sections 523 and 550

Section 550 allows seizure of property suspected to be stolen or found in suspicious circumstances; it does not allow the police to hold property indefinitely. A car neither used in an offence nor reported stolen was returned to the person from whom it was taken (2005 SCMR 735). A truck that was neither stolen nor used in an offence was held to have been illegally seized (1997 PCr.LJ 908), and a vehicle kept for four months without any case being registered was released on bond (2003 PCr.LJ 506).

The position is reversed where the vehicle itself is unlawful. Vehicles with tampered, welded or re-stamped chassis plates cannot be returned even to bona fide purchasers; the Forensic Science Laboratory report carries a presumption of truth and a careless buyer cannot claim good faith (2021 YLR 1415; 2025 PCr.LJ 936, ordering returned vehicles to be retrieved; 2019 YLR 622; 2014 YLR 1464). Non-customs-paid vehicles found in settled areas cannot be released by any court (2019 PTD 1595). Vehicles seized by the Excise Department under the 2015 Road Checking Rules must go through the appeals provided by those Rules (2021 YLR 1160).

3.6 Bank-financed vehicles

Superdari is not a debt-recovery tool. A bank cannot use section 516-A to recover a financed vehicle in what is a civil dispute (2020 MLD 780), and the police may not take over a vehicle repossessed by a bank (2017 MLD 500). A lessee who had paid most instalments obtained superdari, tentatively and on bond (2017 CLD 745), and a leasing company that admittedly owned the car and faced no rival was given custody (2010 PCr.LJ 105).

3.7 Bonds and the superdar's duties

The court must take a bond with sureties; it cannot insist on cash security or a bank guarantee (2006 YLR 960). The amounts in the reported orders vary widely — from Rs.150,000 to Rs.5,000,000 — with undertakings not to sell and to produce the property when required (2023 SCMR 711; 2013 YLR 1626; 2016 PCr.LJ 437). The superdar's duty to produce continues until final disposal under section 517; a police recommendation to cancel the case does not end it (1974 SCMR 228). A superdar who ignores the conditions cannot complain when superdari is cancelled (2005 SCMR 1138), but where cash was not produced the proper course was an additional bond rather than outright cancellation (2001 SCMR 795), and a bond is not forfeited where the vehicle was snatched by criminals, since a bona fide defence negates wilful default (2008 SCMR 275). Terms of superdari can be modified, including by consent (1991 SCMR 1567).

3.8 Final disposal

At the end of the case the property goes to the person entitled. On acquittal in a narcotics case, the vehicle was handed to the claimant (2026 PCr.LJ 651), and a vehicle cannot be kept after acquittal merely because co-accused are absconding (2023 YLR Note 34). Seized currency cannot be returned without hearing the prosecution (2021 SCMR 503). Where articles were never produced or exhibited at trial, superdari over them could not later be cancelled, and the dispute was left to the civil court (2018 PCr.LJ 790). Where seized goods are claimed by a third party, the trial court under section 516-A decides ownership and possession (1996 SCMR 975). A car sold and plied as a taxi in a settled area, then taken into a tribal agency, was ordered back to the claimant on superdari (PLD 2002 Peshawar 42).

4. Where the Authorities Conflict or Leave a Gap

4.1 Who must prove lack of knowledge in narcotics cases? 2008 MLD 1603 holds that no onus lies on an innocent owner to prove that he did not know; PLD 2020 SC 299 and 2015 PCr.LJ 779 require the applicant to show, at least prima facie, that he has no nexus with the accused. The two are reconcilable — the owner must show who he is and his relationship to the accused, but need not prove a negative about the driver's intentions — but the burden is not stated uniformly.

4.2 Registered owner or last possessor? 2023 SCMR 711 gives the registered owner a prima facie right; the Peshawar cases often look to the last possessor (2016 PCr.LJ 437; 2025 YLR 2368) but refuse him where the claim of another stands higher (2026 MLD 461; 2013 PCr.LJ 204). Where registration and possession point to different people, there is no single rule, and courts decide on the strength of documents.

4.3 Bona fide purchasers of tampered vehicles. The Peshawar High Court refuses return even to buyers who paid value (2021 YLR 1415; 2025 PCr.LJ 936). No Supreme Court judgment found in this research decides the point, or whether the buyer's remedy lies only in damages against his seller.

4.4 The 2019 provincial Act. The Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 introduced its own confiscation procedure with notice to the owner (2023 YLR 770). How its provisions interact with the PLD 2020 SC 299 test, decided under the 1997 federal Act, has not yet been worked out in a reported Peshawar judgment.

5. Practical Guide

5.1 For the applicant seeking superdari

- **Bring the original registration book, transfer documents and Excise record**, and if possible the seller as a witness (2009 SCMR 911; 2014 YLR 1464).
- **In narcotics cases, show who you are**: owner, not the accused, not a relative or associate, no nexus — and explain any link with the driver (PLD 2020 SC 299; 2015 PCr.LJ 779).
- **Ask for a forensic report on the chassis** early if identity is in doubt; a tampered vehicle will not be returned (2021 YLR 1415).
- **Offer a bond with sureties**, not cash; if cash or a bank guarantee is demanded, challenge it (2006 YLR 960).
- **Apply to the right court**: the trial or Special Court once the challan is in (2011 SCMR 1994), the Excise appellate authority for vehicles seized under the 2015 Rules (2021 YLR 1160).
- **If police hold property under section 550 without a case, apply promptly** for its release (2003 PCr.LJ 506; 1997 PCr.LJ 908).

5.2 For the complainant or rival claimant

- **Show the better title**: an FIR you lodged as owner, an insurance subrogation, a purchase deed in a breach-of-trust case (2013 PCr.LJ 204; 2026 MLD 461).
- **Point to the chain of transfers or forgery** and ask that title be left to the civil court, with security if custody is given to the other side (1998 SCMR 2542; 2018 PCr.LJ 1310).

5.3 For the superdar

- **Produce the property on every date** it is required, and keep it unsold and in the same condition (1974 SCMR 228; 2005 SCMR 1138).
- **If the property is lost through no fault of yours, report it at once** and raise the defence before forfeiture (2008 SCMR 275).

5.4 For the prosecution

- **Produce the case property at trial**; failure invites an adverse inference (2023 SCMR 781).
- **Do not destroy narcotics** without notice, samples and the trial court's permission (PLD 2010 SC 623).

6. Conclusion

Superdari is a practical remedy governed by a few clear principles. It is interim and does not decide title; the registered owner is prima facie entitled; the claimant must bring documents; and the property goes on bond, not cash, with a continuing duty to produce it. In narcotics cases, the Supreme Court has read section 74 CNSA narrowly so that an innocent owner with no nexus to the accused can recover his vehicle, while the Peshawar High Court refuses relatives, employers of the accused driver and claimants who cannot explain their purchase.

At the edges the law is stricter. Police cannot hold property under section 550 without a case, but vehicles with tampered chassis numbers and non-customs-paid vehicles will not be released to anyone. Banks must use civil remedies, and the prosecution must produce and preserve case property. For practitioners, most applications are decided on the strength of the ownership documents and, in narcotics cases, on the applicant's relationship with the accused.

Annexure A — The Judgments in Question and Answer Form

All 63 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. Every entry was checked against the full reported text.

Supreme Court

1. 2025 SCMR 1041 — Ahsan Ali Dawach v. The State (NAB)

Before: Muhammad Ali Mazhar, Aqeel Ahmed Abbasi and Salahuddin Panhwar, JJ; Civil Petition No. 256-K of 2024, decided 18 March 2025

Q. Does superdari prejudice the trial, and can it be granted for a vehicle under a NAB freezing order that bars only transfer?

A. Superdari neither prejudices the trial nor gives a clean chit; it lasts on bond till the case ends. The vehicle was released within the limits of the freezing order. Appeal allowed.

2. PLD 2025 SC 478 — Altaf Hussain v. The State

Before: Muhammad Hashim Khan Kakar and Ishtiaq Ibrahim, JJ; Criminal Petition No. 876 of 2022, decided 23 April 2025

Q. Can a trawler owner escape confiscation by pleading ignorance of illegal fishing by his crew?

A. No. As proprietor he is presumed to know what was reasonably accessible to him. Leave refused.

3. 2023 SCMR 781 — Ahmed Ali v. The State

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Syed Hasan Azhar Rizvi, JJ; Criminal Appeal No. 48 of 2021, decided 13 December 2022

Q. What follows when the prosecution does not produce the recovered narcotics or vehicle in court?

A. Case property is always relevant; unexplained non-production allows an adverse inference under Article 129(g). The appellants were acquitted.

4. 2023 SCMR 711 — Muhammad Akhtar Ali v. Additional Sessions Judge, Kot Addu

Before: Syed Mansoor Ali Shah and Ayesha A. Malik, JJ; C.P. No. 2337 of 2019, decided 16 January 2023

Q. Who is entitled to superdari of a vehicle?

A. The registered owner, prima facie, unless a competent court decides the title otherwise. Vehicle released on a Rs.2,000,000 surety bond. Appeal allowed.

5. 2021 SCMR 503 — The State (FIA) v. Alif Rehman

Before: Mushir Alam, Sardar Tariq Masood and Sayyed Mazahar Ali Akbar Naqvi, JJ; Criminal Petition No. 994 of 2020, decided 15 January 2021

Q. Can seized foreign currency be returned on superdari without hearing the prosecution?

A. No. The superdari application was remitted to the trial court for decision afresh after hearing both sides. Petition allowed.

6. PLD 2020 SC 299 — Amjad Ali Khan v. The State

Before: Manzoor Ahmad Malik, Sardar Tariq Masood and Syed Mansoor Ali Shah, JJ; Criminal Petition No. 74-L of 2018, decided 13 March 2020

Q. When can a vehicle seized in a narcotics case be released on superdari?

A. If the applicant shows he is the lawful owner and is neither the accused nor an associate, relative or person with any nexus to him. Petition dismissed.

7. 2014 SCMR 1536 — Mazhar Ali v. Ansar Ali

Before: Anwar Zaheer Jamali, Asif Saeed Khan Khosa and Ijaz Ahmed Chaudhry, JJ; Civil Petition No. 115-L of 2013, decided 25 April 2014

Q. Can the High Court in writ upset concurrent findings of fact on superdari?

A. No. The Magistrate (after summary inquiry) and the Revisional Court had given the buffalo to the applicant on supported affidavits; the High Court set those findings aside without pointing to any legal infirmity. Its order was set aside. Appeal allowed.

8. 2011 SCMR 1994 — Syed Ali Abbas v. The State

Before: Tassaduq Hussain Jillani and Amir Hani Muslim, JJ; Criminal Petition No. 155-L of 2011, decided 23 May 2011

Q. Who decides custody of a car that is case property after the challan?

A. The trial court, after hearing both sides; meanwhile custody stayed with the complainant on surety. Disposed of.

9. 2011 SCMR 1471 — Muhammad Hanif v. The State

Before: Mahmood Akhtar Shahid Siddiqui and Asif Saeed Khan Khosa, JJ; Criminal Petition No. 199-L of 2011, decided 22 June 2011

Q. Must a registered owner who is not an accused get his vehicle back in a narcotics case?

A. Yes, where no one else claims it and he undertakes to produce it; it was ordered to be handed over. Appeal allowed.

10. 2010 SCMR 1181 — Allah Ditta v. The State

Before: Nasir-ul-Mulk, Raja Fayyaz Ahmad and Jawwad S. Khawaja, JJ; Criminal Petition No. 461 of 2009, decided 12 February 2010

Q. Who is a 'private individual' barred from custody under the proviso to section 74 CNSA?

A. Only one with some nexus to the offender or offence; an innocent owner is not. Vehicle released on bond. Appeal allowed.

11. PLD 2010 SC 623 — Ali Muhammad v. The State

Before: Mian Shakirullah Jan, Rahmat Hussain Jafferi and Tariq Parvez, JJ; Criminal Appeal No. 298 of 2009, decided 6 January 2010

Q. Can a Magistrate destroy narcotics case property without notice?

A. No. Destruction without notice, samples or the trial court's permission was illegal; the appellant was acquitted.

12. 2009 SCMR 911 — Usman Nasir Dar v. The State

Before: Muhammad Akhtar Shabbir and Syed Sakhi Hussain Bokhari, JJ; Criminal Petition No. 155-I of 2008, decided 4 July 2008

Q. Is a person who cannot produce the registration book entitled to superdari of a leased car?

A. No; the bank may repossess on default. He may apply again after evidence. Leave refused.

13. 2008 SCMR 275 — Ahmed Khan v. The State

Before: Rana Bhagwandas, Actg. CJ, Saiyed Saeed Ashhad and Hamid Ali Mirza, JJ; Crl. P.L.A. No. 10-K of 2007, decided 14 July 2007

Q. Is a superdar's bond forfeited when the car was snatched from him by criminals?

A. No. A bona fide defence negates wilful default; forfeiture was set aside. Appeal accepted.

14. 2005 SCMR 766 — Khurram Shafi v. Mst. Inayat Bibi

Before: Tanvir Ahmed Khan and Khalil-ur-Rehman Ramday, JJ; Civil Petition for Leave to Appeal No. 722-L of 2003, decided 27 March 2003

Q. Can a claimant whose civil suit failed for want of an agreement to sell keep superdari?

A. No. The unchallenged civil finding stood; the High Court's order was upheld. Leave refused.

15. 2005 SCMR 735 — Javaid Arshad Abid v. Station House Officer

Before: Javed Iqbal and Faqir Muhammad Khokhar, JJ; Civil Petition No. 1052-L of 2002, decided 19 March 2003

Q. To whom should a car seized under section 550, not used in any offence nor reported stolen, be given?

A. To the person from whom the police took it, on superdari. Appeal accepted.

16. 2005 SCMR 1138 — Waseem Gondal v. Naeem Sadiq

Before: Tanvir Ahmed Khan and Khalil-ur-Rehman Ramday, JJ; Civil Petition for Leave to Appeal No. 2103-L of 2001, decided 2 January 2003

Q. What if a superdar abroad ignores the conditions of superdari?

A. He cannot complain of its cancellation. Leave refused.

17. 2005 SCMR 1063 — Hassan Muhammad v. Nazar Hussain

Before: Javed Iqbal and Faqir Muhammad Khokhar, JJ; Criminal Petition No. 809-L of 2001, decided 21 March 2003

Q. Does a superdari order decide title?

A. No. Observations on custody are tentative and the title is for the civil court. Appeal accepted.

18. PLD 2005 SC 160 — Gul Subhan v. The State (Shariat Appellate Bench)

Before: Abdul Hameed Dogar (Chairman), Muhammad Nawaz Abbasi, Mian Shakirullah Jan, Dr. Allama Khalid Mahmud and Dr. Rashid Ahmed Jullundhari (Shariat Appellate Bench); Criminal Shariat Appeal No. 33 of 2003, decided 12 October 2004

Q. Can a truck used for contraband be confiscated despite the accused's acquittal?

A. Yes, under Article 15(1) of the Prohibition Order; the appellant, not a bona fide purchaser, had no locus standi. Appeal dismissed.

19. 2003 SCMR 246 — Abdul Salam v. The State

Before: Iftikhar Muhammad Chaudhry and Rana Bhagwandas, JJ; Criminal Petition No. 25-P of 2002, decided 11 October 2002

Q. Is there an absolute bar on superdari of a vehicle used in narcotics transport?

A. No, if the owner prima facie had no knowledge; but on the facts release was rightly refused. Leave refused.

20. 2001 SCMR 795 — Rehmatullah v. Muhammad Qadeer

Before: Munir A. Sheikh and Iftikhar Muhammad Chaudhry, JJ; Criminal Petition for Leave to Appeal No. 391-L of 2000, decided 26 July 2000

Q. Should superdari of cash be cancelled for non-production?

A. Not outright; the superdar was to give an additional bond to produce the amount at the end of the case. Appeal allowed.

21. 1998 SCMR 2542 — Kadirminq v. The State

Before: Mamoon Kazi and Wajihuddin Ahmed, JJ; Criminal Petition No. 34-K of 1998, decided 20 July 1998

Q. How is custody decided where the Excise record mutation is said to be fraudulent?

A. On security abiding by the civil court's final order. Allowed to that extent.

22. 1996 SCMR 975 — Muhammad Waseem Khan v. SHO, Ganjmandi

Before: Saiduzzaman Siddiqui and Muhammad Munir Khan, JJ; Criminal Petition for Leave to Appeal No. 120 of 1994, decided 15 January 1995

Q. Where should a claimant to seized goods go?

A. To the trial court under section 516-A, which determines ownership and possession. Leave refused.

23. 1994 SCMR 1643 — Mirza Muzaffar Baig v. Additional District and Sessions Judge, Sialkot

Before: Saad Saood Jan and Sajjad Ali Shah, JJ; Civil Petition No. 346-L of 1993, decided 19 December 1993

Q. Can superdari between rival claimants of a suspected stolen vehicle be decided without the registration record?

A. No. The case was sent back for correct identification of the vehicle. Appeal allowed.

24. 1992 SCMR 1454 — Munir Ahmad v. Barkhurdar

Before: Muhammad Afzal Zullah, CJ and Rustam S. Sidhwa, J; Civil Appeal No. 126 of 1991, decided 24 February 1992

Q. Which of two rival claimants gets custody pending trial?

A. The one prima facie entitled; title, including any forgery, is for the civil court. Appeal accepted.

25. 1991 SCMR 1567 — Javed Iqbal v. Additional Sessions Judge, Sargodha

Before: Saad Saood Jan and S. Usman Ali Shah, JJ; Civil Petition for Special Leave to Appeal No. 999 of 1989, decided 20 September 1989

Q. Can terms of superdari be modified on the other side's application?

A. Yes; a consent modification was not interfered with. Petition dismissed.

26. 1974 SCMR 228 — Khan Muhammad v. Muhammad Abdullah

Before: Muhammad Yaqub Ali and Anwarul Haq, JJ; Petition for Special Leave to Appeal No. 220 of 1973, decided 10 October 1973

Q. Does a police recommendation to cancel the case end the superdar's duty?

A. No. He must produce the property until it is disposed of under section 517. Petition dismissed.

27. 1972 SCMR 159 — Ghulam Jilani v. Muhammad Yousuf

Before: Sajjad Ahmad, Waheeduddin Ahmad and Salahuddin Ahmed, JJ; P.S.L.A. Nos. 266 of 1971 and 3 of 1972

Q. Where title to a vehicle is genuinely disputed, what should the criminal court do?

A. Keep it in police custody and leave title to the civil court. Leave refused.

Peshawar High Court

28. 2026 PCr.LJ 651 — Sabir Shah v. The State

Before: Shahid Khan, J; Criminal Appeals Nos. 302-M and 303-M of 2023, decided 27 November 2023

Q. What happens to the vehicle when the narcotics case fails?

A. On acquittal it was ordered to be handed over to the claimant. Appeals allowed.

29. 2026 MLD 461 — Muhammad Ali v. The State

Before: Dr. Khurshid Iqbal, J; Cr.M. Q.P. No. 48-M of 2020 and connected matters, decided 20 February 2023

Q. Does the 'last possessor' principle apply where the vehicle was the subject of criminal breach of trust?

A. No; whose claim stands higher is decisive, and the complainant's purchase deed prevailed. Petitions dismissed.

30. 2025 YLR 2368 — Feroz Khan v. The State

Before: Muhammad Tariq Afridi, J; Quashment Petition No. 13-B of 2024, decided 7 April 2025

Q. Is a robbery victim entitled to superdari of the recovered cash?

A. Yes; he was the last possessor and the recovery was on the accused's pointation. Petition allowed.

31. 2025 PCr.LJ 936 — The State v. Nisar Ali Khan

Before: Dr. Khurshid Iqbal, J; Writ Petitions Nos. 416-M to 419-M of 2022, decided 8 November 2024

Q. Can vehicles with tampered chassis numbers be returned to bona fide purchasers?

A. No; the returned vehicles were ordered to be retrieved. Petitions allowed.

32. 2023 YLR Note 34 — Niamat Sher v. The State

Before: Ijaz Anwar, J; Criminal Appeal No. 324-P of 2021, decided 23 December 2021

Q. Must a vehicle be kept after the accused's acquittal until absconders are arrested?

A. No; it was released to the owner on a Rs.1,000,000 bond. Appeal allowed.

33. 2023 YLR 770 — Mustajab ul Hassan v. The State

Before: Muhammad Naeem Anwar, J; Criminal Appeal No. 346-P of 2021, decided 3 August 2021

Q. Can a vehicle be confiscated under the KP CNSA 2019 without notice to the owner?

A. No; the order was set aside and remanded for notice under sections 34-A and 34-B.

34. 2023 YLR 1761 — Gohar Ali v. The State

Before: Fazal Subhan, J; Criminal Revision No. 98-P of 2022, decided 2 August 2022

Q. Is a claimant entitled to return of seized foreign currency without proving bona fide ownership or last possession?

A. No. Revision dismissed.

35. 2021 YLR 1415 — Muhammad Zada v. The State

Before: Ishtiaq Ibrahim, J; Criminal Miscellaneous (Q.P.) No. 26-M of 2020 and connected petitions, decided 28 September 2020

Q. Are vehicles with tampered chassis plates returnable on superdari?

A. No; the FSL report carries a presumption of truth, and a careless buyer cannot claim to be bona fide.

36. 2021 YLR 1160 — Secretary to Government of Khyber Pakhtunkhwa v. Tajdar Khan

Before: Ikramullah Khan, J; Criminal Miscellaneous/Quashment Petition No. 74-P of 2019, decided 20 August 2020

Q. Can the criminal court release a vehicle seized by Excise under the 2015 Road Checking Rules?

A. No; the Rules provide their own appeals. The vehicle was retaken for process under the Rules. Petition allowed.

37. 2020 PCr.LJ 284 — Hameed Ullah Qureshi v. The State

Before: Ijaz Anwar and Ahmad Ali, JJ; Criminal Appeal No. 159-P of 2019, decided 20 August 2019

Q. Does section 74 CNSA bar superdari to an undisputed owner who is not connected with the accused?

A. No; he was outside its ambit and got the vehicle on bond. Appeal accepted.

38. 2020 MLD 780 — Dubai Islamic Bank v. Jalat Khan

Before: Muhammad Naeem Anwar, J; Writ Petition No. 6282-P of 2019, decided 13 December 2019

Q. Can a bank use section 516-A to recover a financed vehicle?

A. No. A breach of contract is civil; section 516-A covers only property pending trial. Dismissed in limine.

39. 2019 YLR 622 — Ali Bahadar v. Toyota Indus Motor Co.

Before: Rooh-ul-Amin Khan and Qalandar Ali Khan, JJ; Writ Petition No. 516-P of 2014, decided 25 October 2018

Q. Can custody be given of a vehicle whose chassis number is deciphered?

A. No; that would license an unlawful vehicle on the road. Petition dismissed.

40. 2019 PTD 1595 — Muhammad Salam v. The State

Before: Abdul Shakoor and Shakeel Ahmad, JJ; Quashment Petition No. 49-B of 2016, decided 12 April 2018

Q. Can non-customs-paid vehicles seized in a settled area be released on superdari?

A. No court may release them without lawful import and payment of duties. Petitions dismissed.

41. 2018 PCr.LJ 790 — Arbab Tehsinullah v. Riaz

Before: Ishtiaq Ibrahim, J; Criminal Revision No. 19-P of 2017, decided 28 July 2017

Q. Can superdari be cancelled for articles never produced or exhibited at trial?

A. No; the order was set aside, leaving the civil court. Revision allowed.

42. 2018 PCr.LJ 1310 — Biradar Khan v. The State

Before: Qaiser Rashid Khan, J; Quashment Petition No. 99-P of 2017, decided 30 March 2018

Q. Is a purchaser in a chain of transfers entitled to superdari against the registered transferee?

A. Not at that stage; ownership is for the competent court after evidence. Petition dismissed.

43. PLD 2017 Peshawar 74 — Muhammad Fayaz v. The State

Before: Waqar Ahmad Seth and Ishtiaq Ibrahim, JJ; Criminal Appeal No. 545-P of 2014, decided 20 September 2016

Q. What procedure governs destruction of narcotics case property?

A. Notice must be given and samples kept; the conviction was set aside. Appeal accepted.

44. 2017 MLD 500 — Dubai Islamic Bank v. The State

Before: Ikramullah Khan, J; Cr. M.Q.Ps. Nos. 107-P and 118-P of 2016, decided 18 November 2016

Q. May the police take over a vehicle repossessed by a bank?

A. No; it goes back to the person who handed it to the police, unless needed in a criminal case. Petitions dismissed.

45. 2017 CLD 745 — Luqman Ali v. The State

Before: Mohammad Ibrahim Khan, J; Cr. R. No. 49-P of 2015, decided 7 October 2016

Q. Is a lessee who paid most instalments entitled to superdari of a repossessed car?

A. Yes, tentatively and on bond, without prejudice to other forums. Petition allowed.

46. 2016 PCr.LJ Note 120 — Sameen Khan v. The State

Before: Mazhar Alam Khan Miankhel, CJ and Muhammad Younis Thaheem, J; Cr. A. No. 163-P of 2015, decided 22 October 2015

Q. Is the accused's father entitled to the truck carrying 94 kg of charas?

A. No; he is a relative without proof of ownership. Appeal dismissed.

47. 2016 PCr.LJ 67 — Sher Afzal Khan v. The State

Before: Muhammad Ghazanfar Khan, J; Cr. Misc. No. 32-D of 2015, decided 3 July 2015

Q. Is an accused with no ownership documents entitled to a car carrying concealed weapons?

A. No. Petition dismissed.

48. 2016 PCr.LJ 437 — Rafiullah v. Additional Advocate-General

Before: Haider Ali Khan, J; Quashment Petition No. 11-M of 2015, decided 31 July 2015

Q. Who gets superdari: the registered owner and last possessor, or a holder of an unverified open transfer letter?

A. The registered owner and last possessor, on a Rs.2,500,000 bond. Petition allowed.

49. 2015 PCr.LJ 779 — Shahid Imran v. The State

Before: Nisar Hussain Khan and Ikramullah Khan, JJ; Criminal Revision No. 117-P of 2013, decided 22 November 2013

Q. Is an owner whose driver is the accused entitled to superdari under section 74 CNSA?

A. Not without prima facie showing no nexus; the driver relationship was a nexus. Revision dismissed.

50. 2014 YLR 1464 — Iftekhar Ali v. The State

Before: Shah Jehan Khan Akhundzada, J; Quashment Petition No. 256-P of 2012, decided 19 June 2013

Q. Can a buyer who cannot produce his seller and has a vehicle with a tampered chassis get it back?

A. No; confiscation to the State upheld. Dismissed in limine.

51. 2014 PCr.LJ 1333 — Irfan Ali v. The State

Before: Shah Jehan Khan Akhundzada, J; Criminal Revision No. 61-P of 2013, decided 19 June 2013

Q. Can superdari be granted mid-trial in a large charas case where purchase is unexplained?

A. No; the vehicle had to be exhibited at trial. Dismissed in limine.

52. 2013 YLR 1746 — Sayed Shah Khalid v. The State

Before: Shah Jehan Khan Akhundzada, J; Quashment Petition No. 221-P of 2012, decided 15 April 2013

Q. Is a purchaser by transfer deed entitled to superdari where no rival claims?

A. Yes, on bond and undertaking not to sell. Petition allowed.

53. 2013 YLR 1626 — Amin Nawaz Blouch v. The State

Before: Yahya Afridi and Assadullah Khan Chamkani, JJ; Criminal Appeal No. 381-P of 2012, decided 13 August 2012

Q. Is a lessee without knowledge of the narcotics entitled to the vehicle despite section 74 CNSA?

A. Yes, on a Rs.5,000,000 bond, without prejudice to a better title. Appeal allowed.

54. 2013 PCr.LJ 204 — Muhammad Ramzan v. The State

Before: Qaiser Rashid Khan, J; Criminal Revision Petition No. 31 of 2011, decided 10 April 2012

Q. Does possession of a stolen registration book give title to a stolen vehicle?

A. No; the insurer under subrogation got superdari. Petition allowed.

55. 2012 MLD 1043 — Salih Muhammad v. Niaz Muhammad

Before: Miftahuddin Khan and Waqar Ahmed Seth, JJ; Criminal Appeal No. 624 of 2011, decided 13 March 2012

Q. Can an alleged owner who never applied to the trial court claim the vehicle in appeal?

A. No, not on a photocopy affidavit. Appeal dismissed.

56. 2010 PCr.LJ 105 — Orix Leasing Pakistan Ltd. v. The State

Before: Abdul Aziz Kundi, J; Criminal Miscellaneous (Q) No. 83 of 2009, decided 2 October 2009

Q. Is an admitted owner leasing company entitled to superdari with no rival claimant?

A. Yes, on bond and undertaking. Petition accepted.

57. 2008 MLD 1603 — Shakeel Arshad v. The State

Before: Shahji Rahman Khan, J; Criminal Revision No. 23 of 2008, decided 13 June 2008

Q. Must an owner who rented his vehicle to the accused driver prove lack of knowledge?

A. No onus lies on him; the vehicle was released on bond. Petition accepted.

58. 2006 YLR 960 — Haji Aziz ur Rehman v. The State

Before: Ijaz-ul-Hassan Khan, J; Criminal Miscellaneous Q.P. No. 194 of 2005, decided 27 January 2006

Q. Can the court insist on cash security or a bank guarantee for superdari?

A. No; a bond with sureties is required. Disposed of.

59. 2005 YLR 3131 — Nasir Khan v. The State

Before: Ijaz-ul-Hassan Khan, J; Quashment Petition No. 115 of 2005, decided 19 August 2005

Q. Must property go on superdari to the person from whom it was recovered?

A. No; the power is discretionary and favours the person entitled. Petition dismissed.

60. PLD 2004 Peshawar 251 — Aamir Khalil v. Government of Pakistan (ANF)

Before: Shah Jehan Khan and Dost Muhammad Khan, JJ; W.P. No. 1448 of 2003, decided 16 June 2004

Q. Can a car merely suspected of escorting a narcotics jeep be withheld or auctioned?

A. No; auction requires a speaking order on record. Petition allowed.

61. 2003 PCr.LJ 506 — Naseer Khan v. The State

Before: Talaat Qayyum Qureshi, J; Criminal Miscellaneous No. 242 of 2002, decided 11 December 2002

Q. Can police keep a vehicle under sections 523/550 for months without a case?

A. No; it was released on bond. Petition allowed.

62. PLD 2002 Peshawar 42 — Mehar Dil Khan Wazir v. Ibrahim Khan

Before: Qazi Ehsanullah Qureshi and Ejaz Afzal Khan, JJ; C.M. No. 45 of 2001 in Writ Petition No. 53 of 2001 (M), decided 16 January 2002

Q. Can a car sold and used as a taxi in a settled area, then taken into a tribal agency, be returned?

A. Yes; it was ordered back on superdari, leaving a criminal complaint open. Petition accepted.

63. 1997 PCr.LJ 908 — Riasat Khan v. The State

Before: Sardar Muhammad Raza and Mahboob Ali Khan, JJ; Writ Petition No. 20 of 1997, decided 16 February 1997

Q. Can police hold a truck neither stolen nor used in an offence?

A. No; the seizure was illegal and the truck was released on surety. Petition accepted.