

THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

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Criminal Jail Appeal No.34 of 2026

Criminal Jail Appeal No.35 of 2026

[Zainullah son of Khairullah v The State]

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Syed Kashif Ali Shah, Advocate for Appellant in Crl. J.A. No.34 of 2026.

Mr. Rahat Ahsan, Advocate for Appellant in Crl. J.A. No.35 of 2026.

Mr. Habib Ahmed, Special Prosecutor A.N.F.

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Date of hearing

17.09.2026

Date of Judgment

21.09.2026

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JUDGMENT

SHAMSUDDIN ABBASI, J.- Through two separate judgments, both dated 22.10.2025, passed by the learned Special Court-I (Control of Narcotic Substances), Karachi, in Special Case No.138 of 2024 (FIR No.39 of 2024) registered at Police Station ANF Gulshan-e-Iqbal, Karachi, and Special Case No.116 of 2024 (FIR No.29 of 2024) registered at the same Police Station, for offences under Sections 6/9(1)3(e), 14 and 15 of the Control of Narcotic Substances Act, 1997 (Amended Act, 2022), appellant Zainullah son of Khairullah was convicted, upon his plea of guilt, and sentenced to imprisonment for life in each case alongwith a fine of Rs.800,000/- and to suffer simple imprisonment for a further period of 12 months in each case in lieu of fine. Aggrieved by the aforesaid judgments, the appellant has preferred the instant appeals, which involving common questions of fact and law are being decided together through this common judgment.

2. The facts giving rise to the instant appeals as borne out from the record are that FIR No.39 of 2024 relates to recovery of 28 packets of charas each weighing 1200 grams, wrapped with yellow tape, having a total weight of 33.600 kilograms. The contraband was recovered on 06.09.2024 from a travelling bag held by the appellant, which resulted in his arrest and registration of the aforesaid case. FIR No.29 of 2024 pertains to the recovery of 30 packets of charas, each weighing 1200 grams, having a total weight of 36 kilograms, concealed inside a hydraulic cylinder jack lying in the "dala" of Suzuki bearing Registration No.KW-6351. The said vehicle was being

transported from Quetta to Karachi on the directions of Sher Ahmed son of Bostan, described in the prosecution case as an inter-provincial drug smuggler, through Jallat Khan, who was seated on the front seat, and Yousif Khan, who was driving the vehicle, for delivery to the appellant Zainullah. Both occupants of the vehicle were arrested, whereafter the case was registered.

3. Following registration of the aforesaid FIRs, the investigation was conducted and upon its completion separate charge sheets were submitted before the Court of competent jurisdiction. In FIR No.39 of 2024, the appellant was sent up to face trial whereas in FIR No.29 of 2024 he was initially shown as an absconder and was subsequently arrested on 09.09.2024. During the proceedings in both cases, the appellant submitted separate applications expressing his intention to plead guilty. The learned trial Court after issuing show cause notices and recording his replies found that he remained consistent in his plea of guilt. In his replies, the appellant stated that he is merely acting as a supplier for Sher Ahmed, who used to pay him Rs.50,000/- per trip. He expressed regret for his conduct and stated that he will mend his ways and refrain from further involvement in narcotic activities and prayed for a lenient view. Upon consideration of his admission of guilt, the learned trial Court convicted and sentenced him in both cases through the impugned judgments as detailed in paragraph 1 (supra), giving rise to the present appeals.

4. Both the learned counsel appearing for the appellant, at the very outset, submit that they would not press the instant appeals on merits provided that the sentence of imprisonment for life awarded in each case is converted into imprisonment for a term of 20 years. It is next submitted that the appellant is merely a supplier working for the principal accused Sher Ahmed. It is further submitted that the appellant is the sole breadwinner of his family, he has realized the gravity of his conduct, expressed remorse and resolved to mend his ways and refrain from involvement in similar activities in future. On these grounds, both learned counsel for the appellant have sought a lenient view.

5. The learned Special Prosecutor has supported the impugned judgment and submit that the prosecution has successfully proved its case against the

appellant beyond reasonable doubt, therefore, no case for interference is made out.

6. We have heard the parties' respective counsel and have carefully examined the entire record including the impugned orders with their able assistance.

7. Both learned counsel for the appellant have not assailed the conviction on merits rather they have confined their submissions to the quantum of sentence and sought conversion of sentence from life imprisonment to 20 years imprisonment in each case. Needless to observe, however, that such concession does not absolve this Court of its duty to independently examine the legality and propriety of the conviction and sentence recorded by the learned trial Court.

8. A careful scrutiny of the record reveals that the appellant voluntarily submitted separate applications before the learned trial Court admitting his guilt in each case. He was thereafter afforded an opportunity to explain his position through show cause notices and in response thereto he remained consistent in his admission of guilt. His plea was neither conditional upon acceptance of any particular sentence nor does the record disclose that the same was the result of coercion, inducement or undue influence. The learned trial Court after satisfying itself as to the voluntary and conscious nature of the plea proceeded to convict and sentence the appellant under the relevant provision of law.

9. The appellant's unequivocal admission of guilt considered in conjunction with the allegations contained in the respective FIRs and the material available on record furnishes sufficient basis to sustain his conviction. In FIR No.39 of 2024 the prosecution case relates to recovery of 33.600 kilograms of charas from the travelling bag held by the appellant while in FIR No.29 of 2024 36 kilograms of charas was recovered from a hydraulic cylinder jack concealed in the "dala" of Suzuki bearing Registration No.KW-6351, which was being transported from Quetta to Karachi for delivery to the appellant. The appellant's own explanation that he was acting as a supplier for Sher Ahmed in consideration of payment on each trip does not exonerate him from

criminal liability rather it lends further support to his admitted association with the transportation and delivery of the narcotic substance.

10. The plea of guilt having been voluntarily and unequivocally made before the learned trial Court after affording the appellant an opportunity to explain his position constitutes a material circumstance supporting the finding of guilt. There is nothing on record to suggest that the plea was subsequently retracted or that the appellant was deprived of any safeguard available to him under law. We, therefore, find no legal or factual infirmity in the convictions recorded by the learned trial Court warranting interference by this Court. The convictions under Sections 6/9(1)3(e), 14 and 15 of the Control of Narcotic Substances Act, 1997 (Amended Act, 2022), are accordingly maintained. Here the question that remains for determination is the quantum of sentence. In this regard, we have considered the submissions advanced by learned counsel that the appellant is the sole breadwinner of his family, he has realized the gravity of his conduct, expressed remorse and has resolved to mend his ways and refrain from involvement in similar activities in future. It has also been submitted that the appellant is merely acting as a supplier for Sher Ahmed. Although these circumstances do not diminish the seriousness of the offence or absolve the appellant from the consequences of his unlawful conduct, they are nevertheless relevant considerations while determining the appropriate sentence.

11. We are conscious of the fact that the quantities of narcotic substance involved in the two cases are substantial viz 33.600 kilograms and 36 kilograms respectively and that the menace of narcotics cannot be treated lightly. At the same time, sentencing cannot be undertaken in a mechanical manner. The Court is required to consider the statutory framework governing the offence together with the circumstances of the offender, the nature of his participation, his conduct during the proceedings and the mitigating circumstances appearing from the record. The Court must therefore exercise its discretion in awarding sentence fairly and after considering the relevant circumstances of the case.

12. In the case in hand, the appellant has candidly admitted his guilt in both cases and has not sought acquittal or exoneration from criminal liability. His prayer is confined solely to reduction of sentence. His plea of guilt has

remained consistent before the learned trial Court and he has expressed remorse for his conduct and undertaken not to indulge in any such activity in future. It has further been brought on record that the appellant is the sole breadwinner of his family, which constitutes a relevant mitigating circumstance. This circumstance when considered in conjunction with the other mitigating factors emerging from the record merits due and meaningful consideration while determining the appropriate quantum of sentence.

13. Having regard to the totality of the circumstances particularly the appellant's voluntary plea of guilt, his consistent conduct before the learned trial Court, his expression of remorse and his stated role as a supplier, we are persuaded to extend a measure of leniency in the matter of sentence. At the same time, the gravity of the offence and the substantial quantities of narcotic substance involved cannot be overlooked. We are, therefore, of the considered view that although the conviction of the appellant warrants no interference, the sentence of imprisonment for life calls for modification on the basis of the mitigating circumstances emerging from the record. It is, however, clarified that the reduction in sentence is the result of an independent and judicious assessment of the mitigating circumstances available on record and is not founded merely upon the submission made by the learned counsel for the appellant. Accordingly, while maintaining the conviction of the appellant under Sections 6/9(1)3(e), 14 and 15 of the Control of Narcotic Substances Act, 1997 as amended by the Amendment Act, 2022, in both cases, the sentence of imprisonment for life awarded in each case is reduced and converted into imprisonment for a term of twenty (20) years. The sentence of fine of Rs.800,000/- imposed in each case as well as the sentence of twelve (12) months' simple imprisonment awarded in default of payment thereof shall remain unaltered. Both substantive sentences of imprisonment and the sentences awarded in default of payment of fine shall run concurrently. The appellant shall also be entitled to the benefit of Section 382-B, Cr.P.C.

14. Subject to above modification in the sentence, the Criminal Jail Appeals 34 and 35 of 2026 stand disposed of.

JUDGE

JUDGE