

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

Criminal Appeal No.406 of 2026

Appellant : *Shakeel*, through Mr. Abdul Qadir Khan, Advocate

The State : Through Ms. Rubina Qadir, Deputy Prosecutor General Sindh

Date of hearing: 19.08.2026

Date of Judgment: 24.08.2026

JUDGMENT

Omar Sial, J.: S.I. Kirshan Lal of Mehmoodabad Police Station in Karachi, along with other police officials, was on patrol in the area to suppress crime on 08.10.2025 at 12:00 p.m. During the patrol, he received information from a special spy that someone was selling narcotics inside Marwat Park, Azam Town. The police party found one person standing there, holding a blue plastic shopping bag. Upon inquiry, he disclosed his name as Shakeel. Police conducted a personal search and checked the blue-colored shopper from which one packet containing opium, wrapped in yellow-coloured tape, was recovered. The recovered opium was weighed, and its weight was found to be 515 grams. F.I.R. No. 423 of 2025 under section 9(i) 5(b) of the Sindh Control of Narcotic Substances Act, 2024.

2. Shakeel pleaded not guilty and claimed trial. The prosecution examined **PW-1 S.I. Krishan Lal** (complainant), **PW-2 A.S.I. Riaz Ahmed** (witness to the arrest and recovery); **PW-3 Inspector Umeed Ali** (investigating officer), **PW-4 W/ASI Sundar Khan** (maalkhana incharge). In his section 342 Cr.P.C. statement, Shakeel denied all wrongdoing. He further said that he was coming out of a mosque with Rs. 28,000 in his pocket.

The police wanted that money, and when he refused, they registered this case against him.

3. On 15.06.2026, the learned Sessions Judge, Karachi South, convicted the appellant and sentenced him to six years in prison and a fine of Rs. 80,000. If he did not pay the fine, he would have to remain in prison for one month more.

4. We heard the appellant's learned counsel and the learned Deputy Prosecutor General. Our observations and findings are as follows.

5. The alleged seizure was made at 12:00 p.m. on 08.10.2025. Allegedly, the narcotics were sealed by S.I. Krishan Lal at this point. He gave it to W/ASI Sundar Khan the same day upon his return to the station. W/ASI Sundar Khan gave the narcotics to Inspector Umeed Ali on 09.10.2025 for him to take them to the chemical analyst laboratory. The police malafide is reflected in the mere fact that Sundar Khan admitted at trial that the entry no. was left blank when his section 161 Cr.P.C. statement was recorded. The original Register XIX was not produced at the trial. Instead, the prosecution exhibited a dubious-looking photocopy.

6. Umeed Ali, the investigating officer, testified that he himself went to the chemical laboratory to drop of the narcotics for testing on 09.10.2025. Reflecting this misrepresentation, the Chemical Analyst's report shows that P.C. Mohammad Khurram deposited the narcotics. P.C. Mohammad Khurram was not a witness at the trial, nor was his section 161 Cr.PC. statement recorded.

7. Police malafide is further seen when S.I. Krishan Lal testified that his driver had made a video recording to show the arrest and recovery. Yet, the witness to the recovery, i.e., A.S.I. Riaz Ahmed admitted at the trial that the video recording does not show the actual recovery of the opium.

8. It is well settled that a conviction cannot sustain if the prosecution does not prove an unbroken chain of safe custody

and transmission at trial. The above observations show that it was indeed broken in this case.

9. The appeal is allowed and the appellant acquitted of the charge. He should be released if not required in any other custody case.

10. We are constrained to observe that the Trial Court did not apply its mind to the case. The High Court is burdened with cases in which there was a clear-cut break in the chain of safe custody and transmission, but the Trial Court did not address it in its judgment. The Honorable Supreme Court has laid down a clear law regarding safe custody and safe transmission of narcotics. A conviction cannot be sustained if the chain is broken. All courts below are constitutionally bound to implement the principles of law as enunciated by the Supreme Court. We appreciate that the trial courts are themselves over-burdened with work, yet when a person's life and liberty are being taken away, it is incumbent upon the courts to prioritize such cases in the application of their time, mind and wisdom.

11. The record indicates that this may be a false case. However, we believe that the Sindh Police itself should determine the truth in the first instance. The Inspector General of Police, Sindh is therefore requested to initiate an inquiry into the conduct of the police officers associated with this case. Such an exercise will help in the accountability process.

12. Let a copy of this Judgment be sent to the learned Registrar of this Court and the Inspector General of Police Sindh to facilitate their reference to paragraphs 10 and 11 above.

JUDGE

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