

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

Criminal Appeal No.302 of 2022

Appellants : *Mansoor Ahmed & Muhammad Akram,*
through Mr. Inamullah Khan, Advocate

The State : Through Mr. Habib Ahmed, Special
Prosecutor ANF

Date of hearing: 13.08.2026

Date of Judgment: 11.09.2026

JUDGMENT

Omar Sial, J. On 19-08-2018, Inspector Wajid Hussain, posted at P.S. ANF Clifton, received intelligence from senior officers that two provincial drug smugglers, namely Mohammad Akram and Mansoor Ahmed, would transport a large consignment of narcotics from Quetta to Karachi via the Sukkur–Hyderabad National Highway in a silver-coloured car bearing registration No. AZG-041. A raiding party was constituted under the supervision of SHO Ahsan-ul-Haq, comprising Inspector Wajid Hussain, ASI Sadaquat Ali, PC Waqas Ahmed, PC Mohammad Rizwan and other police personnel, along with the informer. The party departed from the police station at 0100 hours (vide departure entry No. 12) and reached near Lyari Expressway, Al-Asif Square, Sohrab Goth, at 0200 hours, where a blockade was set up on the Hyderabad–Karachi carriageway.

2. At about 0230 hours, the suspect vehicle (Car No. AZG-041) was sighted and intercepted on the pointation of the informer. On inquiry, the driver identified himself as Mohammad Akram son of Nazeer Ahmed, caste Achakzai, resident of Chaman, District Qilla Abdullah, Balochistan, and the front-seat passenger identified himself as Mansoor Ahmed son of Yar Mohammad, caste Achakzai, resident of the same area. On being questioned about narcotics, both accused admitted that charas was concealed in secret cavities of the car.

3. The following recoveries were made:
- (i) On the pointation of Mohammad Akram (driver): 11 slab-like packets from cavities in the dashboard, and 14 slab-like packets from cavities around both doors in the floor — all wrapped in yellow tape.
 - (ii) On the pointation of Mansoor Ahmed (front-seat passenger): 36 slab-like packets from cavities in the fuel tank beneath the rear seat, also wrapped in yellow tape.
4. On being cut open, all packets were found to contain charas. Each of the 86 packets, weighed separately on an electronic scale, weighed 1 kg, for a total recovery of 86 kg of charas. From each packet, 10 grams were separated as a sample for chemical analysis and sealed in a khaki envelope, numbered serially 1 to 86 to correspond with the respective packets. The remaining charas — 20 packets each in three white bags and 26 packets in a fourth bag — were separately sealed as case property.
5. Both accused were arrested, and F.I.R. No. 15 of 2018 was registered against the accused for offenses under Sections 6, 9(c), and 14 and 15 of the Control of Narcotic Substances Act, 1997, and investigation was accordingly conducted.
6. Both accused pleaded not guilty and claimed a trial. At the trial, the prosecution examined PW-1 Inspector Wajid Hussain (the complainant and the investigation officer); PW-2 P.C. Waqas Ahmed (witness to the arrest and recovery); PW-3 Inspector Mohammad Hassan Khoharo (maalkhana in-charge); PW-4 A.S.I. Sadaqat Ali (courier). In their respective Section 342 Cr.P.C. statements, the two accused professed innocence and denied any wrongdoing. They further stated that they were driving a Land Cruiser when Major Jawad of the ANF stopped them and wanted the vehicle for himself. When they refused, they registered a false case against them.
7. At the end of the trial, on 18.04.2022, the learned Special Court (II), CNS, Karachi convicted the two accused and sentenced them to life imprisonment and a fine of Rs. 300,000 each. This judgment is the one challenged in this appeal.
8. The appellants' learned counsel has submitted that:
- (i) There were no independent witnesses;

- (ii) ANF tracing the car was impossible;
- (iii) PW-4 A.S.I. Sadaqat Ali was a part of the raiding party, but in his testimony at the trial, he said that he knew nothing about the case except that he took the narcotics to the Chemical Analyst;
- (iv) It was not possible to hide 36 packets of charas in the fuel tank;
- (v) There were no hidden cavities in the vehicle the accused drove;
- (vi) The chemical tests performed by the Chemical Analyst were not shown in the Chemical Analyst's report.

9. The learned Additional Prosecutor General has supported the impugned judgment. We have heard both parties and re-appraised the evidence. Our observations and findings are as follows.

10. We will first address the submissions made by the learned counsel.

11. Section 25 of the CNS Act, 1997 precludes the applicability of Section 103 Cr.P.C. to cases falling within the anti-narcotics legislation. ANF must be appreciated for finding a car laden with narcotics, which counsel claims was an impossible task. The prosecution had introduced PW-4, A.S.I. Sadaqat Ali, to testify that it was he who took the narcotics from the maalkhana to the Chemical Analyst. He erred in saying that he knew nothing about the case; however, we do not find this error material or sufficient to upset a conviction.

12. As mentioned above, the narcotics were found in cavities in the dashboard and in cavities around both doors in the floor. They were also found in cavities in the fuel tank beneath the rear seat. Nothing in the evidence recorded suggests that the narcotics could not be hidden in all the spaces identified. It is also a matter of record that the car had a CNG cylinder installed and was running on gas rather than petrol. It is also on record that the petrol tank of the car in question had been replaced and was different than the petrol tank installed in that particular model. The photographs of the vehicle, exhibited at the trial, also appear to show hidden cavities.

13. The Chemical Analyst's report does show the tests carried out on the narcotics. If the appellants were not happy with the contents of the report, they could have called the Analyst as a witness and satisfied themselves regarding all their concerns. This was not done. The argument is an afterthought. Unfortunately, the grounds raised by the appellant's counsel are insufficient to upset the conviction.

14. The modus operandi deployed by the appellants to transport the narcotics, as disclosed to the investigating officer, sounds logical and true. Appellant Akram was the primary culprit, whereas appellant Mansoor facilitated the transport by using his Balochistan Levy Force identity card. Neither appellants could produce a witness who could dispute the foregoing or testify in support of the appellants' defense that, while driving a non-customs-paid car, they were stopped by Major Jawad, who wanted the vehicle for himself, and when the appellants declined, he registered the false case. We find the reason given for ANF's malafide to be not only unreasonable but also unbelievable.

15. Safe custody and transmission of the narcotics were established at the trial. Indeed, no argument in this regard was made by the appellants' learned counsel.

16. Given the above, we are unable to find any reason to interfere with the learned Trial Court's judgment. The appeal is therefore dismissed.

JUDGE

JUDGE