# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**C.P. No.D-1598 of 2026**

*[Baqa Khan and others vs. Secretary, Ministry of Interior and Narcotics Control and others]*

**Before:**

**JUSTICE ADNAN-UL-KARIM MEMON**
**JUSTICE MUHAMMAD JAFFER RAZA**

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| Petitioners: | Through Mr. Sarbaz Ayaz Palijo, Advocate |
| Federation: | Through Mr. Ghulam Abbas Sangi, Assistant Attorney General |
| Province of Sindh | Through Mr. Wali Muhammad Jamari, Assistant A.G Sindh, a/w Inspector Manzoor Ali |
| Anti-Narcotics Force: | Through Mr. Shehriyar Shar, Advocate, a/w Deputy Director, Narcotics Control Wing Hyderabad (**Aitzaz Ahmed**) and Assistant Director Muhammad Salman |
| Date of hearing | 06.11.2026 |
| Date of Decision | 06.11.2026 |

## O R D E R

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**ADNAN-UL-KARIM MEMON, J.-** The petitioners have filed this Constitutional Petition under Article 199 of the Constitution in the public interest, seeking directions for effective measures to curb the illegal manufacture, transportation, sale and distribution of narcotic drugs, gutka, mawa, mainpuri, naswar and other prohibited substances in Hyderabad.

2. Learned counsel for the petitioners contend that, despite statutory prohibitions under the Sindh Control of Narcotic Substances Act, 2024, and other relevant laws, these substances are openly available, particularly near educational institutions, markets and public places, adversely affecting public health, especially that of students and young people. He alleges lack of effective enforcement, inter-agency coordination, preventive measures, and adequate rehabilitation facilities. He further seeks implementation of the statutory framework, establishment of narcotics control check posts, intelligence-based operations, awareness programmes, transparent monitoring of seized substances, and provision of treatment and rehabilitation facilities. He prayed to allow this petition.

3. Learned D.A.G, assisted by the officials of ANF, has raised preliminary objections regarding maintainability, contending that the petition is based on newspaper reports and unsupported general allegations without verifiable evidence. He submits that ANF is a specialized agency functioning under the Control of Narcotic Substances Act, 1997, and the Anti-Narcotics Force Act, 1997, and regularly conducts intelligence-based operations in

coordination with other law-enforcement agencies. It further claims to have undertaken awareness campaigns in educational institutions, resulting in recoveries, arrests and convictions. It maintains that gutka and mawa fall within the provincial authorities' domain, while the custody, preservation and disposal of seized narcotics are governed by prescribed legal procedures. He prayed to dismiss the petition.

4. The A.A.G denies negligence or failure in discharging their statutory duties and submits that 21 Police/Narcotics Control Directorate Stations are functioning in Hyderabad under Section 27 of the Sindh Control of Narcotic Substances Act, 2024. He claims to have registered 18 cases during 2025-26, resulting in the recovery of 14.271 kg charas, 170 grams heroin, 276 grams crystal/ICE, 149 pints and 4 nips of PMFL, and 270 liters of illicit liquor. He also referred to inter-agency coordination, monitoring and awareness campaigns, maintaining that enforcement measures are being undertaken within their statutory jurisdiction.

5. The Traffic Police submits that its primary responsibility is to regulate traffic and ensure road safety, whereas prevention and control of narcotics-related offences fall within the domain of operational police, ANF and Excise authorities. However, its officers have been directed to assist the concerned law-enforcement agencies whenever prohibited substances are detected during vehicle checking.

6. The SSP Hyderabad denies the allegations and submits that a Special Task Force was constituted vide order dated 19.03.2026 under the supervision of SP Headquarters to conduct intelligence-based operations against narcotics, gutka and mainpuri manufacturers, suppliers and distributors. It claims that continuous operations have resulted in arrests, registration of criminal cases and recoveries under the relevant provincial and federal laws.

7. Learned counsel for the petitioners, in rebuttal, submits that the respondents have failed to appreciate the true nature and scope of the instant public interest litigation. The petition does not seek to interfere with individual investigations or the statutory functions of any particular agency; rather, it seeks effective enforcement of the laws enacted to protect public health and prevent the growing menace of narcotics and prohibited substances. He contends that the mere assertion that enforcement agencies have been constituted, meetings held, awareness campaigns conducted or a few criminal cases registered does not, by itself, establish effective implementation of the statutory framework. He further submits that the figures furnished by the respondents, particularly the registration of 18 cases and the recoveries made during 2025-26, are insufficient to demonstrate that the illegal trade has been effectively controlled, especially when the prohibited substances continue to be openly available in markets, streets and areas surrounding educational institutions. He argues that the respondents have conspicuously failed to provide any comprehensive assessment identifying the sources of supply, manufacturing units, distribution networks, major suppliers and financial beneficiaries involved in this unlawful trade. The arrest of individual carriers or street-level sellers, without dismantling the organized networks behind the trade, cannot be treated as meaningful enforcement. Learned counsel further contends that the

respondents have attempted to shift responsibility from one agency to another by relying upon their respective statutory jurisdictions. Such an approach defeats the very object of the legislation, as the prevention and control of prohibited substances require coordinated action by the ANF, Police, Excise and Narcotics Control Directorate, district administration and other relevant authorities. He submits that jurisdictional limitations cannot be invoked as an excuse for inaction, nor can any agency absolve itself of its statutory responsibility where coordinated enforcement is required. He further argues that the constitution of a Special Task Force and the establishment of police/narcotics control stations would remain merely administrative arrangements unless supported by measurable performance, regular inspections, intelligence-based operations, effective prosecution and independent monitoring. The respondents have also failed to demonstrate what concrete steps have been taken to prevent the sale of gutka, mawa and mainpuri near schools, colleges, universities and other public places, or to identify and seal the premises where such prohibited substances are manufactured and stored. Learned counsel emphasizes that the matter involves the fundamental rights to life, dignity and a clean and healthy environment, protected under Articles 9, 9A and 14 of the Constitution. The State is under a positive obligation not merely to enact prohibitory laws but also to ensure their meaningful enforcement. He submits that public awareness campaigns, without sustained enforcement and accessible treatment and rehabilitation facilities, cannot adequately address the social and public-health consequences of substance abuse. He, therefore, submits that the reports filed by the respondents are largely descriptive and do not furnish any verifiable evidence of a comprehensive and sustainable enforcement mechanism. He requests that this Court to direct the competent authorities to formulate and implement a coordinated action plan, supported by measurable targets, periodic compliance reports, monitoring of educational institutions and public places, action against manufacturers and organized suppliers, and transparent procedures for the custody and disposal of seized substances, strictly in accordance with law.

8. We have heard learned counsel for the parties and examined the material available on record.

9. The controversy raised in the instant petition concerns a matter of grave public importance, directly affecting the right to life, health and dignity of citizens guaranteed under Articles 9 and 14 of the Constitution. The unchecked manufacture, transportation, sale and distribution of narcotic drugs and other prohibited intoxicating substances, particularly gutka, mawa and mainpuri, pose a serious threat to public health and are especially detrimental to the younger generation. The State cannot remain a silent spectator where the health, safety and future of its citizens are exposed to such a menace.

10. The stance adopted by the respondents that the petition is based merely upon newspaper reports and generalized allegations does not adequately answer the substantial public grievance raised by the petitioners. The matter cannot be brushed aside on such technical grounds, particularly when the respondents themselves acknowledge the existence of narcotics-related activities and have furnished details of enforcement operations,

recoveries and arrests. The statistics disclosed by the Excise Department, including registration of 18 cases and recovery of substantial quantities of narcotic substances during 2025–26, rather reinforce the seriousness of the problem and demonstrate the necessity for sustained and effective enforcement. Mere registration of criminal cases and occasional recoveries cannot, by themselves, establish that the statutory mechanism is functioning effectively or that the menace has been brought under control.

11. Similarly, the constitution of a Special Task Force by the SSP Hyderabad and the claim of conducting intelligence-based operations are certainly relevant steps; however, the mere issuance of an office order or constitution of a task force cannot be treated as sufficient discharge of the statutory and constitutional obligations of the State. What is required is demonstrable, continuous and result-oriented enforcement, supported by proper monitoring, accountability and coordination among all concerned agencies. The respondents cannot discharge their public responsibilities merely by referring to isolated operations, arrests or recoveries while the petitioners' grievance regarding the continued availability and distribution of prohibited substances remains substantially unanswered.

12. We are also not persuaded by the attempt of the respondents to compartmentalize their responsibilities by referring to their respective departmental jurisdictions. The fact that different agencies exercise powers under different statutes does not absolve them of their collective obligation to address a common public problem. Rather, it necessitates effective coordination between the Anti-Narcotics Force, Sindh Police, Excise, Taxation and Narcotics Control Department, Traffic Police and District Administration. The Traffic Police, although primarily responsible for traffic regulation and road safety, cannot remain entirely detached from the process where vehicles and public transport routes are allegedly being used for transportation of prohibited substances. Its role, however, must remain within its lawful jurisdiction, with appropriate assistance and referral to the competent authorities.

13. The provisions of the Sindh Control of Narcotic Substances Act, 2024, particularly Sections 6, 27, 28, 36 and 37, provide a statutory framework for the prohibition of unlawful narcotics-related activities and coordinated enforcement. Similarly, the relevant provincial legislation prohibits the preparation, manufacture, storage, sale and use of gutka and mainpuri. These enactments are not intended to remain merely on the statute book; the authorities entrusted with their implementation are under a legal obligation to operationalize their provisions in letter and spirit. The existence of legislation without its effective implementation would defeat the very object for which it was enacted.

14. Another important aspect requiring attention is the protection of young persons and students from exposure to narcotic and intoxicating substances. The responsibility of the State cannot be confined to arrests and seizures alone. An effective response must also encompass preventive awareness, early identification, counselling, treatment and rehabilitation of persons suffering from substance dependence. The concerned Education and Health Departments, in collaboration with law-enforcement agencies, are therefore required to adopt a coordinated approach so that educational institutions are protected from

the sale and distribution of such substances and appropriate facilities are made available to those requiring treatment and rehabilitation.

15. Equally important is the proper custody, preservation and lawful disposal of narcotic substances recovered during enforcement operations. The respondents have asserted that prescribed procedures are being followed; nevertheless, such assertions must be supported by a transparent and verifiable system ensuring proper documentation, secure storage, forensic examination, production before the competent Court and final disposal in accordance with law. Accountability in this regard is essential to preserve the integrity of criminal investigations and prevent any possibility of unauthorized diversion or misuse of seized substances.

16. In view of the foregoing discussion, we are of the considered view that the petitioners have raised a genuine issue of public importance requiring effective intervention of this Court. The respondents' claims regarding existing operations and departmental arrangements do not sufficiently address the necessity for a coordinated, measurable and accountable mechanism for controlling the menace.

17. We, therefore, find that the petition merits appropriate directions to ensure effective implementation of the existing statutory framework, without interfering with the lawful operational discretion of the competent authorities.

18. Consequently, the petition is disposed of with the following directions:-

i. The Chief Secretary, Government of Sindh, shall nominate a senior officer as Focal Officer to coordinate the efforts of all concerned federal and provincial agencies for effective control of narcotics and prohibited intoxicating substances within Hyderabad District.

ii. The ANF, Sindh Police and Excise, Taxation and Narcotics Control Department shall devise and implement a coordinated enforcement mechanism, including regular intelligence-sharing and joint intelligence-based operations against persons involved in the manufacture, transportation, sale and distribution of narcotic drugs, gutka, mawa, mainpuri and other prohibited substances.

iii. The Excise Department and District Administration shall furnish particulars of the narcotics control police stations, check posts and check points functioning within Hyderabad District, together with their operational status, and shall identify vulnerable entry and exit points and locations requiring enhanced surveillance, in accordance with law.

iv. The DIGP/SSP Hyderabad shall ensure that the Special Task Force constituted vide order dated 19.03.2026 functions effectively and conducts regular, intelligence-based operations, particularly in areas identified as vulnerable to narcotics-related activities, and shall maintain proper records of the action taken and its outcome.

v. The Traffic Police shall, within its lawful jurisdiction, coordinate with the competent law-enforcement agencies for detection and reporting of suspected transportation of prohibited substances through vehicles and public transport routes and for appropriate referral of suspected cases of driving under the influence of narcotic substances.

vi. The concerned Education and Health Departments, in collaboration with ANF and other relevant authorities, shall undertake sustained awareness and preventive programs in schools, colleges and universities and ensure appropriate counselling and referral facilities for students affected by substance abuse.

vii. The concerned authorities shall assess the availability and capacity of existing government drug treatment and rehabilitation facilities in Hyderabad and take appropriate measures to address deficiencies in staffing, medical facilities and treatment capacity.

viii. The concerned law-enforcement agencies shall ensure that every recovery of narcotic substances is properly documented, securely stored, forensically examined, produced before the competent Court and disposed of strictly in accordance with law, maintaining a complete chain of custody.

ix. The law enforcement agencies including the investigating agencies and administrative authorities shall ensure proper check at the entry and exit point of Hyderabad Division by hiring the sniffing dogs to check the narcotic substances. They shall also install scanners at Exit and Entry Point to check the smuggling and / or control of Narcotics.

x. The respondents shall submit a consolidated compliance report before the Additional Registrar of this Court within eight weeks, furnishing details of joint operations, recoveries, arrests, registered cases, functioning check posts, preventive programs and rehabilitation facilities, together with the measures taken pursuant to these directions.

19. Needless to observe that the directions issued herein shall be implemented in letter and spirit, and no authority shall treat the mere submission of reports or issuance of departmental instructions as sufficient compliance unless supported by actual and verifiable measures. The concerned authorities shall remain accountable for discharging their statutory obligations within their respective jurisdictions.

20. The petition stands disposed of in the above terms.

The Additional Registrar of this court shall call compliance reports from the respondents from time to time and submit the reports before this court for appropriate orders.

Let a copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE

Karar_Hussain/PS*