IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1141 of 2025.

Applicants	:	i. Qurban Ali son of M. Chand Badshah ii. Rizwan son of Muhammad Chand Badshah Through Mr. Shoukat Hayat, Advocate

Criminal Bail Application No.1211 of 2025

Applicant	:	Nisar Ahmed son of Muhammad Younus Through Mr. Raja Babar Hamid, advocate.
Respondent	:	The State through Mr. Sarfaraz Ahmed Mangi, Special Prosecutor ANF.
Date of hearing	:	21.05.2025
Date of order	:	27.05.2025

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicants, Qurban Ali, Rizwan and Nisar Ahmed seek post-arrest bail in a case bearing crime No. 13/2025, offence under Section 9(2)(9) read with Sections 14 and 15 of the Control of Narcotic Substances Act, 1997 (as amended in 2022), of Police Station ANF Clifton, Karachi. The applicants' earlier bail pleas were declined by the learned Special Judge, CNS-II, Karachi, vide order dated 28.04.2025.

2. The case of the prosecution, as narrated in the FIR, is that on 10.03.2025, acting upon specific intelligence regarding international narcotics smuggling, ANF Inspector constituted a raiding party. The information suggested that a container bearing No. XINU 1640908, located at Karachi International Container Terminal (KICT) and purportedly consigned by M/s. Unique Enterprises, Landi Kotal, concealed narcotic substances within towels and garments, and was intended to be illicitly exported to the United Arab Emirates. The alleged perpetrators included Idrees alias Cheena, Rizwan, Qurban Ali, and one Nisar Ahmed, a clearing agent. The raiding party proceeded to KICT, where the aforementioned container was located. Present at the site were three individuals: Nisar Ahmed (clearing agent), Qurban Ali, and Muhammad Rizwan, all of whom introduced themselves as the owners of the consignment. Owing to the unavailability of independent witnesses, two

ANF officials were nominated as mashirs. The documents produced by Nisar Ahmed reflected M/s. Unique Enterprises as the exporter and "AUTO LTD JAREL UAE KHLALI" as the importer of the goods. Upon opening the container and examining 150 plastic sacks contained therein, the raiding party recovered substantial quantities of narcotic substances from 10 of these sacks, which included: 50,000 tablets of Revotril, weighing 15.300 kg (gross); An additional 3,000 tablets of Revotril, weighing 4.950 kg (gross); 16,950 capsules of Pregabalin, weighing 11 kg (gross); 135,600 tablets of Tramadol, weighing 90 kg (gross). All recovered substances were sealed on the spot for chemical analysis. Additionally, personal searches of the accused yielded CNICs, ATM cards, mobile phones, and cash. Three vehicles, a motorcycle, a Toyota Rocco, and a Toyota car, were also seized during the raid. A memo of recovery was duly prepared at the scene. Consequently, the instant FIR was registered on the basis of the above-stated facts.

3. The record reflects that upon arrest, the applicants were initially refused remand by a Magistrate. Thereafter, on 14.03.2025, they were remanded to judicial custody by the learned Judicial Magistrate-V, West, Karachi, who also noted apparent signs of physical maltreatment upon the applicants and directed for the submission of the final report. An interim challan was subsequently submitted on 16.04.2025, wherein the present applicants were arrayed as accused, while three co-accused were shown as absconders.

4. The learned counsel for the applicants, namely Qurban Ali and Muhammad Rizwan, advanced a number of contentions in support of the prayer for post-arrest bail. It was submitted that the applicants are innocent and have been falsely implicated in the instant case. According to the defense, the applicants were unlawfully apprehended on 10.03.2024 from Meerut Kabab House, situated at Gurumandir, Karachi, on the pointing of co-accused Nisar Ahmed, and were subjected to custodial maltreatment, which was duly observed by the learned Magistrate at the time of remand. It was further contended that the alleged recovered substances, specifically GABICA (Pregabalin), TRAMAL (Tramadol Hydrochloride Ph. Eur.), and RIVOTRIL (Clonazepam), are all duly registered pharmaceutical products, manufactured by licensed entities, namely Getz Pharma Ltd., Searle Company Ltd., and Martin Dow Ltd.

respectively, and are readily available in the market for lawful therapeutic purposes such as treatment of epilepsy, neuropathic pain, panic disorders, and other medical conditions. The learned counsel submitted that the recovered substances do not qualify as psychotropic substances under the Schedule appended to Section 2(za) of the Control of Narcotic Substances Act, 1997, and therefore, the jurisdiction of the CNS Court is ousted in terms of Sections 72 to 74 of the said Act, which are saving provisions vis-à-vis other special laws such as the Drugs Act, 1976. Regarding Rivotril (Clonazepam), the counsel maintained that although clonazepam is listed in the schedule as a psychotropic substance, the manufactured tablet form constitutes a compound that may not fall within the statutory definition unless it conforms strictly to the scheduled chemical formula ($C_{15}H_{10}ClN_3O_3$). This, according to the counsel, gives rise to a factual and legal controversy necessitating further inquiry. The learned counsel also raised serious concerns regarding procedural irregularities in the chemical analysis. It was pointed out that the samples were dispatched to the chemical laboratory on 11.03.2025, but the report was only furnished on 14.04.2025, i.e., after a lapse of more than 30 days, in contravention of Rule 5 of the CNS (Chemical Analysis) Rules, 2001. Moreover, the chemical report is alleged to be inconclusive, as it fails to disclose the precise percentage of the active ingredients, the exact chemical formula of the tablets, and whether the recovered substances fall within the purview of psychotropic substances. The authority of the Director Laboratories as a duly notified Chemical Examiner was also questioned. To support the plea for further inquiry, the learned counsel relied on various precedents from the superior courts wherein bail was granted in analogous circumstances. Reference was made to:

> Crl. Bail Application No. 1989/2021 (Mairajuddin & Others), wherein bail was allowed by this Court in a case involving recovery of Xanax and Diazepam tablets, observing that the classification of such medicated tablets under the CNS Act or Export Policy was debatable. The said order was subsequently upheld by the Hon'ble Supreme Court.
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> Case of Muhammad Zafar Iqbal (FIR No. 25/2024), wherein the High Court granted bail upon noting divergent opinions between the Chemical Examiner and Chief Drug Inspector regarding whether the recovered Alprazolam tablets (Xanax) were prohibited under the CNS Act or merely registered drugs under the Drugs Act.

Crl. Misc. Application No. 20/2024, wherein bail was granted by the trial court in respect of the recovery of Valium (Diazepam), and such order was affirmed by a Division Bench of the High Court, again in reliance on the Mairaj Uddin case.

5. On the issue of nexus, it was argued that there exists no documentary or oral evidence linking the applicants with the ownership, exportation, financing, shipment, or clearing of the consignment in question. The shipping documents do not reflect the names of the applicants in any capacity, whether as exporters, clearing agents, freight forwarders, or financiers. The applicants' presence at the time of recovery is claimed to be stage-managed, subsequent to their unlawful apprehension from a restaurant, and their transportation to the port by ANF officials. It was also suggested that verification of CDRs and vehicle tracker data could potentially corroborate the applicants' version of events. Furthermore, the applicants are permanent residents of Karachi, with no previous criminal record, and pose no threat of absconding or tampering with the prosecution evidence.

6. In rebuttal to the applicants' contentions, the learned Special Prosecutor for the Anti-Narcotics Force (ANF) vehemently opposed the grant of bail. It was submitted that the substantial quantity of the recovered substances, irrespective of their pharmaceutical origin or lawful manufacture, demonstrates a manifest intent to smuggle the same for unlawful purposes, thereby attracting the penal provisions of the Control of Narcotic Substances Act, 1997. The learned Prosecutor contended that the covert manner of concealment, absence of proper export documentation, and unauthorized attempt to export these substances in bulk collectively indicate the existence of mens rea and bring the case within the ambit of illicit trafficking under the CNS Act. The learned Prosecutor argued that even if the recovered substances are otherwise classified as "drugs" under the Drugs Act, 1976, their misuse in contravention of regulatory frameworks, specifically, without requisite DRAP approval and for the purpose of illegal export, transforms them into "controlled substances" or "psychotropic substances" for the purposes of the CNS Act. It was emphasized that the Act is a special law with overriding effect in cases involving trafficking, and therefore, the argument that jurisdiction lies exclusively under the Drugs Act is misconceived. The Prosecutor relied upon the broad and inclusive

definitions contained in Sections 2(k), 2(s), and 2(za) of the CNS Act to argue that the recovered items fall squarely within the scope of "psychotropic substances" and "controlled substances."

7. With respect to the alleged procedural violations, including the delay in furnishing the chemical report and its purported lack of analytical specificity, the learned Prosecutor argued that such objections are technical in nature and do not undermine the legality of the recovery or the prima facie case established thereby. It was further submitted that such deficiencies, if any, pertain to evidentiary appreciation at the trial stage and do not suffice to displace the presumption under Section 29 of the CNS Act at the bail stage. The Prosecutor further maintained that the applicants' involvement is adequately demonstrated through their arrest at the scene, their identification by co-accused, and the circumstantial evidence of their presence during the attempted shipment, all of which is sufficient for denying bail in light of the gravity and international dimension of the offense.

8. Notwithstanding the State's assertions, after carefully considering the arguments advanced by the learned counsel for the applicants and the material placed on record, it appears that a case of further inquiry within the meaning of Section 497(2) Cr.P.C. has been made out. The central issue revolves around the classification of the seized items, GABICA (Pregabalin), TRAMAL (Tramadol Hydrochloride), and RIVOTRIL (Clonazepam), which are admittedly manufactured by licensed pharmaceutical entities and registered under the Drugs Act, 1976. While clonazepam may be listed as a psychotropic substance under the CNS Act, the learned counsel has cogently argued that the tablets in question may constitute a distinct compound not identically matching the formula listed in the Schedule. This distinction, if substantiated, may exclude such formulations from the rigor of the CNS Act.

9. The contention advanced by the learned counsel that Pregabalin and Tramadol do not fall within the ambit of "psychotropic substances" as defined under the Control of Narcotic Substances Act, 1997 ("CNSA") is not only plausible but finds substantial reinforcement in binding and persuasive judicial precedents. The consistent jurisprudential thread emerging from Crl. Bail Application No. 1989/2021 (Mairajuddin &

Others), Muhammad Zafar Iqbal v. The State (FIR No. 25/2024), and Crl. Misc. Application No. 20/2024, supports the principle that where the classification of seized substances, despite their pharmaceutical legitimacy, is legally ambiguous under parallel statutory regimes, notably the Drugs Act, 1976 and the CNSA, 1997, the case must be treated as one of further inquiry under Section 497(2) Cr.P.C. The Supreme Court's dismissal of the State's plea to cancel bail in Mairajuddin adds authoritative endorsement to this doctrine. These precedents affirm that the mere presence of controlled pharmaceutical substances, if lawfully manufactured and registered, does not per se attract the rigor of CNSA unless the legal threshold of classification as "psychotropic" or "narcotic" is clearly met, which in the instant case, remains unsettled and unresolved.

10. Furthermore, the impugned bail rejection order dated 28.04.2025, passed by the learned Special Judge (CNS-II), Karachi, suffers from fundamental legal infirmity and non-application of judicial mind. A perusal of the said order reveals that it is devoid of any analytical reasoning and fails to engage with the substantive legal and factual issues raised by the applicants. Crucial matters such as (i) the pharmacological identity and statutory classification of the recovered drugs, (ii) their registration under the Drugs Act, 1976, (iii) the absence of a direct evidentiary link between the applicants and the alleged contraband, and (iv) the relevance and binding nature of superior court precedent, have been wholly overlooked. The learned Judge also appears to have misapprehended the legal implications of the CNSA's saving clauses vis-à-vis overlapping legislation, resulting in a flawed jurisdictional approach. Such dereliction contravenes the mandatory requirement under Section 24-A of the General Clauses Act, 1897, which obliges public authorities, including judicial officers, to furnish reasons for orders that affect civil liberties. It is well-settled law, reiterated by the superior judiciary in multiple pronouncements that an unreasoned judicial order constitutes a jurisdictional error, and such orders are legally untenable and liable to be set aside.

11. An additional substantive deficiency emerges from the chemical analysis report itself, which forms the evidentiary backbone of the prosecution's case. The report was furnished on 14.04.2025, exceeding the

30-day limit prescribed under Rule 5 of the CNS (Chemical Analysis) Rules, 2001, without accompanying explanation or justification, thereby violating the mandatory time frame. More critically, the report omits essential analytical particulars, including: (i) the pharmacological classification of the substances; (ii) the quantitative concentration or percentage purity of the alleged psychotropic constituents; and (iii) the precise chemical formulae enabling statutory classification under the CNSA Schedules. The report merely states the names of the detected substances without identifying the analytical protocols applied (e.g., GC-MS, HPLC) or any scientific method recognized under UNODC, USP, or WHO standards. This failure to adhere to Rule 6 of the CNSA Rules, which explicitly requires full protocols of the tests applied, renders the report not only procedurally defective but also scientifically inconclusive, thereby eroding its admissibility and probative force. Compounding this is the prosecution's failure to place on record any statutory notification confirming the status of the signatory as a duly appointed Chemical Examiner under the relevant law, which further undermines the report's legal credibility. In totality, these deficiencies critically impair the prosecution's ability to establish a prima facie case.

12. It is equally significant that no direct documentary or forensic evidence has been produced linking the applicants to the ownership, financing, forwarding, or exportation of the alleged consignment. The applicants' names do not appear in any bill of lading, commercial invoice, shipping documents, or freight forwarding agreements. Their alleged involvement appears to rest solely on their physical presence at the port premises, which, according to their uncontroverted version, resulted from being lured there by co-accused Nisar Ahmed under false pretenses. This version is not inherently improbable and gains strength from the prosecution's failure to retrieve and analyze the applicants' CDRs and vehicle tracking logs, which could have objectively verified their movements and intentions. The lack of investigative effort in this regard constitutes a glaring omission, and the prosecution has not provided any reasonable explanation for the same. In the absence of independent corroboration, and given the complete lack of any incriminating recovery from the applicants themselves, their alleged nexus with the consignment remains speculative and tenuous at best. This factual vacuum, viewed in conjunction with the substantive legal issues surrounding classification

and admissibility of evidence, unequivocally leads to the conclusion that the case against the applicants warrants further judicial scrutiny and investigation, and their continued incarceration is not justified at the bail stage.

13. In light of the foregoing discussion, and for the facilitation of judicial scrutiny as well as for the benefit of all concerned stakeholders, this Court now turns to critically examine the chemical analysis report dated 14.04.2025, which constitutes a pivotal component of the prosecution's evidentiary foundation. Notwithstanding its declarative conclusion regarding the presence of Clonazepam, Pregabalin, and Tramadol, the report suffers from multiple procedural and substantive infirmities that cumulatively undermine its evidentiary weight and legal efficacy. Firstly, the report was issued 33 days after receipt of the samples on 11.03.2025, in blatant violation of Rule 5 of the Control of Narcotic Substances (Chemical Analysis) Rules, 2001, which mandates that the chemical examiner's opinion must be rendered within 15 days, extendable only to 30 days with cogent and recorded justification, a requirement wholly unfulfilled in the present instance. No explanation for the delay is provided, thus rendering the report procedurally irregular *ab initio*. More critically, the report is conspicuously silent on fundamental scientific particulars essential to establish the nature of the substances in conformity with the statutory framework under the CNSA. It fails to disclose: (i) the chemical structure or molecular formula of the substances; (ii) the quantitative composition or percentage purity of the active pharmacological ingredients; (iii) the identity of the testing methods used, such as Gas Chromatography-Mass Spectrometry (GC-MS), High-Performance Liquid Chromatography (HPLC), or Infrared Spectroscopy (FTIR); and (iv) any reference to scheduled entries under the Schedules appended to Section 2(za) of the CNSA, 1997. The report instead offers a bald conclusion that the substances are "psychotropic in nature," unaccompanied by either scientific reasoning or legal correlation with the CNSA Schedules. Significantly, while the report alludes to the "tests applied," it entirely omits the protocols or standard operating procedures (SOPs) governing those tests. This omission is not a trivial oversight but a foundational defect, as the reliability, reproducibility, and admissibility of any scientific analysis depends upon the clear identification of the protocol employed. Although the term "protocol" is not defined in the

CNSA or its subsidiary Rules, its definition is well-settled in both scientific practice and judicial precedent. As enunciated by the Hon'ble Supreme Court in Imam Bakhsh v. The State (2018 SCMR 2039), a "protocol" refers to "a detailed and recognized plan for performing a scientific experiment, procedure, or test." In the context of criminal trials, especially under special penal statutes, the absence of a known and validated protocol raises legitimate doubts about the integrity and reproducibility of the findings. The Supreme Court has consistently held that such deficiencies render the report legally vulnerable and insufficient to sustain a conviction or resist bail. Therefore, in order to meet the evidentiary thresholds prescribed under Rule 6 of the CNSA (Government Analyst) Rules, 2001, the report must set out: (i) the nature of the tests conducted; (ii) the specific protocols or methodologies followed; and (iii) the analytical conclusions drawn, failing which, the report is not entitled to probative value.

14. Moreover, the nature of the substances allegedly recovered in this case warrants particular attention. The products, Rivotril (Clonazepam), Gabica (Pregabalin), and Tramal (Tramadol), are all commercially manufactured, lawfully marketed, and duly registered pharmaceutical preparations under the regulatory framework of the Drugs Act, 1976, and have not been shown to be counterfeit or unlawfully altered. The prosecution has not challenged their manufacturing licenses or the legitimacy of their registration with the Drug Regulatory Authority of Pakistan (DRAP). In such circumstances, the burden lies upon the prosecution to demonstrate that these formulations fall squarely within the definition of "psychotropic substances" as per the Schedules appended to the CNSA, which is not merely a factual assertion but a mixed question of law and scientific classification. Where such classification is not clearly demonstrated through valid expert testimony or statutory alignment, the application of the CNSA becomes jurisdictionally contentious. As recognized by the superior judiciary in Mairajuddin v. The State and later reaffirmed in Muhammad Zafar Iqbal's case, this intersection between the Drugs Act and the CNSA creates a legal ambiguity, warranting the treatment of such matters under the doctrine of further inquiry under Section 497(2) Cr.P.C. The learned trial court's failure to assess this statutory interplay, and its misapplication of the

penal provisions of the CNSA, amounts to a misreading of jurisdiction and reinforces the argument for bail.

15. It is trite law that the mere admissibility of a chemical report under Section 510 Cr.P.C. does not *ipso facto* elevate its evidentiary weight or preclude the Court from judicially assessing its reliability. The proviso to Section 510 Cr.P.C. expressly empowers the trial Court to summon and examine the Government Analyst for clarification, particularly where the report is ambiguous or deficient. However, this power is strictly curative in scope, intended only for elucidation, not for enabling the prosecution to re-test the samples or supplement the existing report through fresh analysis. Any attempt to do so would constitute an impermissible filling of evidentiary lacunae, contrary to the established principles of criminal jurisprudence. This limitation has been explicitly affirmed in Khair-ul-Bashar v. The State (2019 SCMR 930), wherein the Hon'ble Supreme Court held that admissibility and evidentiary sufficiency are conceptually distinct, and that the trial Court retains full discretion to assess the report's probative value based on its compliance with the procedural safeguards embedded in the law. In the instant case, the glaring omissions in the report, both procedural (e.g., delay and lack of justification) and substantive (e.g., absence of protocols, scientific detailing, and statutory classification), render the report inconclusive, unreliable, and inadequate to sustain a prima facie case. Consequently, these legal and evidentiary deficiencies further reinforce the entitlement of the applicants to bail under the doctrine of further inquiry.

16. In the present case, the Government Analyst's report falls demonstrably short of satisfying the legal standard set forth in the binding precedents of Imam Bakhsh v. The State (2018 SCMR 2039), Khair-ul-Bashar v. The State (2019 SCMR 930), and Qaiser Javed Khan v. The State through Prosecutor General Punjab (PLD 2020 SC 57). Specifically, the report fails to mention the protocols adopted in the conduct of the chemical analysis, thereby contravening the ratio laid down by the Hon'ble Supreme Court. Despite categorical judicial directives issued to the learned Trial Courts and respective Forensic Science Laboratories to ensure strict adherence to these standards, such compliance remains wanting in the instant case. The Court views this continuing non-compliance with judicial directives as a matter of serious concern,

warranting immediate administrative attention. Accordingly, let a copy of this order be transmitted to the Director of the relevant Forensic Science Laboratory, with a direction to initiate appropriate corrective and disciplinary measures for the observed dereliction in conformity with law and established judicial guidelines.

17. Reverting to the substantive merits of the present bail applications, it is imperative to emphasize that while Pregabalin and Tramadol are pharmacologically classified as centrally acting agents with potential psychotropic effects, they do not stand explicitly enumerated in the Schedules appended to Section 2(za) of the Control of Narcotic Substances Act, 1997 (CNSA). Consequently, their treatment as "psychotropic substances" under the CNSA without explicit statutory recognition offends the principle of legality enshrined in Article 4 of the Constitution and the interpretive maxim nullum crimen sine lege (no crime without law). As regards Clonazepam, although its chemical structure is mentioned in the Schedule, the seized material comprises Rivotril tablets, a formulated pharmaceutical product, which contains Clonazepam as one of several excipients in a compound matrix, altering its pharmacokinetics and reducing its classification certainty under the strict wording of the statute. Notably, the Schedule refers only to the pure chemical compound ($C_{15}H_{10}ClN_3O_3$) and not to its compounded or commercially manufactured versions, such as Rivotril. Thus, even if one were to assume arguendo that Clonazepam in its tablet form is included, the quantity involved, as discussed below, removes the case from the harshest penal consequences contemplated by the CNSA.

18. The total recovery in the instant case comprises 50,000 Rivotril tablets, each allegedly containing 0.5 mg of Clonazepam, which cumulatively amounts to 25 grams. Under the sentencing framework of the CNSA, such a quantity falls within the category of "small quantity", attracting a punishment of imprisonment not less than two months and not exceeding one year, and a fine that may extend to Rs. 50,000/-. In legal consequence, the alleged offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C., and therefore, bail cannot be refused merely on the gravity of the charge. In addition to the non-prohibitory nature of the offence, the evidentiary substratum upon which the prosecution's case rests, the chemical analysis report dated 14.04.2025,

suffers from a fatal defect: it does not disclose the protocols employed during the analytical process, as mandatorily required under Rule 6 of the CNS (Government Analysts) Rules, 2001. The Supreme Court of Pakistan, in a consistent line of jurisprudence, Imam Bakhsh v. The State (2018 SCMR 2039), Khair-ul-Bashar v. The State (2019 SCMR 930), and Qaiser Javed Khan v. The State (PLD 2020 SC 57), has unequivocally held that any Government Analyst's Report lacking identifiable and recognized testing protocols is inherently unreliable and legally deficient. Such omission is not a technical irregularity but a substantive procedural lapse, as the inclusion of standardized protocols is vital to ensure the reproducibility, scientific integrity, and judicial admissibility of the analysis. The absence of such protocols, therefore, erodes the evidentiary foundation of the prosecution and renders the case amenable to further inquiry.

19. This Court's conclusion is further fortified by a body of binding and persuasive precedents. In Mairajuddin and Others (Crl. Bail Application No. 1989/2021), this court allowed bail in materially analogous circumstances, holding that where the classification of pharmaceutical drugs as psychotropic substances under the CNSA is legally debatable, the case warrants treatment as one of further inquiry under Section 497(2) Cr.P.C.. The Supreme Court later dismissed the State's plea for cancellation of bail, thereby affirming the underlying legal rationale and elevating it to binding precedent. This principle was reaffirmed in Muhammad Zafar Iqbal v. The State, where conflicting views of the Chemical Examiner and Drug Inspector regarding Alprazolam (Xanax) led the Court to conclude that the statutory classification of the substance required deeper adjudication at trial, meriting bail. Similarly, in Crl. Misc. Application No. 20/2024, involving the recovery of Valium (Diazepam), bail was granted and subsequently upheld by the appellate forum, emphasizing that when a pharmaceutical product is lawfully manufactured and registered, its classification under the CNSA cannot be presumed without a conclusive and scientifically validated report. In the present case, the record reflects that all recovered substances, Rivotril, Gabica, and Tramal, are duly registered under the Drugs Act, 1976, and their manufacturers are licensed pharmaceutical entities. The CNSA contains saving clauses (Sections 72–74) which are intended to prevent

overlap or jurisdictional conflict where another special law, such as the Drugs Act, governs the same subject matter. The learned trial Court appears to have overlooked or misinterpreted these saving provisions, resulting in a jurisdictional misapplication. Furthermore, the prosecution has failed to demonstrate any direct nexus between the applicants and the consignment in question: the applicants' names do not appear on any shipping manifest, bill of lading, invoice, or customs declaration. Their alleged involvement is predicated solely upon their presence at the port, which, as per their consistent narrative, was induced by co-accused Nisar Ahmed, a version that remains un-rebutted by the prosecution. No call data records (CDRs), surveillance footage, or location data has been placed on record to substantiate the applicants' physical association with the container or its contents. In the absence of such objective and corroborative evidence, the prosecution's case remains circumstantial, speculative, and factually tenuous.

20. In light of the cumulative legal, procedural, and evidentiary considerations outlined herein, this Court is of the considered view that the guilt of the applicants is not prima facie evident, and that the present matter squarely falls within the ambit of "further inquiry" as contemplated under Section 497(2) Cr.P.C. Accordingly, the instant bail applications are hereby allowed, subject to the applicants furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each, along with personal recognizance bonds in the like amount, to the satisfaction of the learned Trial Court. It is clarified that the foregoing observations are tentative in nature, rendered solely for the purposes of adjudicating the present bail applications. The learned Trial Court shall, therefore, not be influenced by any of the findings or remarks contained herein while conducting the trial, which must proceed independently on the basis of the deeper appreciation of the evidence adduced in accordance with law.

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