

## HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No. 850 of 2024

Criminal Appeal No. 142 of 2025

### Present

Justice Adnan Iqbal Chaudhry Justice  
Justice Tasneem Sultana

Appellants (in Cr. Appeal No. 850/2024) : Ilyas Ibrahim and Talha, through Mr. Raheeluddin, Advocate

Respondent (in Cr. No. 850/2024) : The State through Mr. Habib Ahmed, Special Prosecutor ANF

Appellant (in Cr. Appeal No. 142/2025) : The State/ANF through Mr. Asad Aftab Solangi, Special Prosecutor ANF

Respondent (in Cr. No. 142 of 2025) : Ilyas Ibrahim Dahi through Mr. Raheeluddin, Advocate.

Dates of Hearing : 14.07.2025 and 16.07.2025

Date of Judgment : 28. 08.2025.

### JUDGMENT

**TASNEEM SULTANA, J:** By this common Judgment, we intend to dispose of aforementioned Criminal Appeals, as arisen out of the same FIR, and have been heard together. Through these Criminal Appeals, the Appellants namely, Ilyas Ibrahim, Muhammad Talha and the State/ANF have assailed the Judgment dated 14.12.2024, passed by the learned Special Court-I of Control of Narcotics Substances at Karachi, (Trial Court), in Special Case No.49 of 2023, arising out of FIR No.23 of 2023, under Sections 6, 9(2), 9, 14, 15 of Control of Narcotic Substances (Amendment) Act, 2022, ("CNSA"), registered at Police Station ANF-Korangi, Karachi, whereby the appellants Ilyas Ibrahim and Talha were convicted under section 9(c) of CNSA and sentenced to suffer Rigorous Imprisonment for life and to pay fine of Rs.20,00,000/- (02 million) each and in default of payment of fine, they shall suffer Simple Imprisonment for one year more. However, the appellants were extended the benefit of section 382-B Cr.P.C by the trial Court.

2. The ANF has also challenged the order passed by the learned trial court on an application under Section 37 of CNSA, which was

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heard and decided alongside the impugned judgment. The relevant portion reads as follows:

*"It is pertinent to mention here that the prosecution, during trial, had filed an application under section 37 of control of narcotic substances (Amended act 2022) Act 1997, notice whereof was given to the accused persons and the learned SPP ANF for assets, as well as the learned defence counsel were heard. Although the prosecution has requested for forfeiture of assets of accused Ilyas Ibrahim in this case, prosecution has failed to pray on record any link to show that accused Ilyas Ibrahim has derived his assets from trafficking in narcotic substances, as the accused Ilyas Ibrahim has been convicted for the very first time. Nothing is brought on record to show that accused Ilyas Ibrahim is a previous convict or a habitual offender. The prosecution has failed to show any material on the basis of which it can be inferred that accused Ilyas Ibrahim has derived his entire assets from trafficking in narcotic substances. Therefore, the application under section 37 of control of narcotic substances (amended Act 2022) Act 1997 is hereby dismissed being without merit. Order accordingly".*

3. The brief facts of the prosecution case are that on 28.03.2023, Inspector Muhammad Munir Abid of Police Station ANF Korangi, Karachi, received secret information that a consignment of auto parts, including cloth pieces impregnated with narcotic substance, concealed inside ten car seat covers had been dispatched by one Uzair from Rawalpindi to Muhammad Irfan at Karachi. It was further disclosed that proprietor Muhammad Ilyas of Yes Courier Company and his employee Talha accompanied by one Faheem, were to take delivery of the said consignment from the Daewoo Bus Terminal, M.A. Jinnah Road, Karachi, at about 1700 hours. Acting upon the said information, the ANF team proceeded to the terminal at about 1600 hours and maintained discreet surveillance. At about 1700 hours, Muhammad Ilyas and Talha arrived on motorcycle No. KJT-2180, entered the cargo section, and shortly thereafter emerged carrying the said consignment, whereupon they were apprehended by the ANF raiding party. Upon preliminary inquiry, both accused confessed that the consignment contained ICE (Methamphetamine) absorbed in cloth concealed inside the seat covers, and further disclosed that co-accused Faheem intended to send the same to Australia. In the presence of mashirs ASI Shan Ali and H.C. Tahir Usman, the complainant effected recovery of four packing bags containing ten seat covers and other auto parts. Upon cutting open the seat covers, cloth impregnated with methamphetamine was recovered, which, upon weighing, was found to be 4.160 kilograms. The recovered

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narcotics were sealed separately for chemical analysis, while the torn seal covers and other accessories were also sealed separately. From the personal search of accused Muhammad Ilyas, PKR 1,200/-, a photocopy of Muhammad Irfan's CNIC, his own original CNIC, three ATM cards, bank cheques, and a Samsung mobile phone were recovered. From the personal search of accused Muhammad Talha, PKR 1,100/-, the original CNIC of Muhammad Irfan, his own original CNIC, a Daewoo booking slip, and Oppo mobile phone were recovered. The motorcycle used by the accused was also taken into custody. A memo of arrest and recovery was prepared on the spot, duly attested by the witnesses. FIR was thereafter lodged at Police Station ANF Korangi.

4. After usual investigation, police submitted the charge-sheet under section 173, Cr.P.C. against accused Ilyas Ibrahim and Talha, showing accused Muhammad Irfan as absconder with red ink. The case of accused Ibrahim Ilyas and Talha who were in custody, was bifurcated from that of absconding accused Muhammad Irfan vide order dated 30.08.2023.

5. Having been supplied requisite documents as provided under section 265-C, Cr. P.C., the Trial Court framed a formal charge against the appellants to which they pleaded not guilty and claimed to be tried.

6. To prove its case, prosecution examined five witnesses. **PW-1** he H.C. Tahir Usman examined at Ex.3, he produced memo of arrest and recovery at Ex.3-A; **PW-2** P.C. Yasir at Ex.4, he produced Roznamcha entries Nos.5 and 9 at Ex.4-A, copies of Roznamcha entry No.7 and 10 at Ex.4-B and road certificate No.2116 at Ex.4-D; **PW-3** complainant/Inspector Munir Abid-at Ex.5, he produced entry No.9 at Ex.5-A, FIR at Ex.5-B and chemical he examiner report at Ex.5-D; **PW-4** SIP Qasim Ali at Ex.6, he produced copy of entry No.224 of register No.XIX at Ex.5-A and entry No.8 at Ex.6-B; and **PW-5** A.S.I. Muhammad Ilyas at Ex-7, he produced copy of Roznamcha entry No.13 at Ex.7-A and copy of entry No.22 of register No.19 at Ex.7-B.

7. The statement of appellants under section 342, Cr. P.C. was recorded at Ex. 9 and Ex. 10 respectively, wherein they have denied the allegations levelled against them by the prosecution and claimed to be innocent. Appellants deposed that they have falsely been implicated in this case and nothing incriminating was recovered from

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their possession. They have also examined themselves on oath under section 340(2) Cr.P.C. at Ex.12 and 13 respectively. Both the appellants also examined witness Muhammad Ishaque Dahi at Ex.15 in their defence.

8. Vide order dated 07.11.2024, learned trial Court called Abdul Saleem Qadeer, the Director Laboratory and Chemical Examiner, as a Court witness under Section 540 Cr.P.C. On 14.11.2024, he appeared and examined at Ex.17.

9. The Trial Court after hearing the learned counsel for the appellants as well as Special Prosecutor ANF convicted the appellants and sentenced them, vide impugned judgment.

10. The learned counsel for the appellants contended that the learned trial Court failed to consider the material evidence brought on record and, as such, the impugned judgment is based on conjectures and surmises; that the trial Court did not appreciate that the booking slip in question did not contain details of the goods produced before the Court as case property, and that the booking slip number was not mentioned in the memo of recovery, the FIR, or the challan; that the shipment in question was transported from Rawalpindi to Karachi under the said booking slip, yet the evidence adduced by the prosecution does not support its own case; that the prosecution neither cited any cargo staff as witnesses nor produced CCTV footage of the alleged time of recovery and arrest, despite the fact that the entire premises of the Daewoo Cargo Office is covered by surveillance cameras, nor was any video recording or photograph made by the complainant, even though the memo of recovery reflects that the complainant maintained surveillance for approximately half an hour; that the prosecution did not produce any call data record to establish link between the appellants and the sender, the receiver, or the staff of the Daewoo Cargo Terminal; that the chemical analysis report, which was received after a lapse of forty-five days, terming it ambiguous on the ground that it did not specify the weight of the alleged methamphetamine and only reflected the gross weight of the recovered cloth pieces, contrary to the prosecution's claim; that the Chemical Examiner, during his testimony, admitted that the laboratory lacked the requisite machinery, apparatus, and manpower to segregate the alleged chemical from the cloth pieces impregnated with methamphetamine; that the trial Court, without applying its judicial

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mind and by ignoring the evidence available on record, convicted the appellants without proper appreciation of the evidence.

11. Conversely, Mr. Habib Ahmed, learned Special Prosecutor ANF in Criminal No.850/2024 has faithfully defended the impugned judgment being based on proper appreciation of evidence.

12. Whereas, Mr. Asad Aftab Solangi, learned Special Prosecutor ANF, appearing on behalf of the appellant in Criminal Appeal No.142 of 2025, contended that during the course of inquiry, assets of Appellant No.1, namely bank accounts and an insurance policy, were traced; that the ANF, through Inspector Erum Yaqoob of the AFI Branch, Regional Directorate, Anti-Narcotics Force, Sindh, being an authorized officer, issued an assets freezing order dated 16.11.2023 under sub-sections (2) and (3) of Section 37 of the CNSA; that an application under Section 37 of the CNSA was filed for confirmation of the aforesaid freezing order; that the prosecution had successfully proved its case, and despite convicting and sentencing Appellant No.1 to life imprisonment along with a fine, the learned trial Court illegally and unlawfully declined the request of the ANF for forfeiture of the assets of Appellant No.1 and dismissed the application under Section 37 of CNSA.

13. Conversely, the learned counsel for the appellant in Criminal Appeal No.850 of 2024, who is also the respondent in Criminal Appeal No.142 of 2025, has supported the findings of the learned trial Court insofar as they relate to the dismissal of the freezing order. He contended that Appellant No.1 has been engaged in the courier service business for the past twenty years, initially in partnership with his brother and subsequently by establishing his own business under the name and style of *Yes Courier Service*; that the assets of Appellant No.1 were lawfully acquired through his legitimate business activities, whereas the claim of the ANF rests upon a fake and fictitious booking slip; that in view of above Appeal No.142 of 2025 may be dismissed.

14. We have heard learned counsel for appellants as well as learned special prosecutor ANF and peruse the material available on record with their able assistance.

15. On reappraisal of the evidence of the prosecution witnesses, it appears that on 28.03.2023, PW-3 Inspector Munir Abid (Ex.5) after receiving spy information acting upon said information, he

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accompanied by the raiding party, reached the terminal and maintained surveillance. Shortly thereafter, the appellants entered the Daewoo Cargo Terminal and, after some time, emerged carrying the aforementioned consignment, whereupon PW-3 Inspector Munir Abid of ANF apprehended them. Upon inspection, four packing bags containing ten seat covers and automobile parts/accessories were recovered, and on further examination, 4.160 kilograms of methamphetamine-soaked cloth was found concealed within the seat covers and prepared the memo of arrest and recovery (Ex.3/A). Certain personal belongings were also seized, including the original CNIC of Muhammad Irfan and the Daewoo booking slip.

16. Before proceeding further, we consider it appropriate to observe that, from the defence perspective, the provisions of the CNSA are stringent in nature. On the one hand, by virtue of the exclusion of Section 103, Cr.P.C., the testimony of police officials is placed on the same footing as that of any other witness, rendering them competent witnesses for the purposes of law. On the other hand, by necessary implication of Section 29 of the CNSA, the burden upon the prosecution to prove its case is not made heavier than under the ordinary criminal law, while the offences created under the Act carry punishments on the higher side. Consequently, an accused charged under such provisions is often left with a limited scope to construct his defence. The complexity is further compounded by the reality that, on certain occasions, innocent persons may be falsely implicated in cases under the CNSA, either on account of suspicion or due to nefarious designs orchestrated by motivated quarters. For these reasons, the record of such cases demands circumspect and careful scrutiny by the Courts. In order to sustain a conviction, the prosecution is generally expected to establish, inter alia, a flawless recovery of the narcotic substance, doubt-free transmission of the complaint from the place of recovery to the police station for registration of the FIR, unimpeachable safe custody of the recovered narcotics, secure and documented transmission of the same to the office of the chemical examiner, and, above all, the proof that the recovered substance was indeed of a narcotic nature.

17. In the above backdrop, we have meticulously examined the record of the case and it transpires that PW-3, the complainant, during his testimony, asserted that from the possession of the appellants he recovered four packing bags containing methamphetamine-soaked pieces of white cloth concealed within ten car seat covers and other

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automobile accessories/parts, under the memo of arrest and recovery (Ex.3/A), prepared in the presence of mashirs ASI Shan Ali and HC Tahir Usman. It is, however, noteworthy that during the examination-in-chief of PW-1, the prosecution did not produce the booking slip (Ex.3/B), which constitutes the basic document to prove the arrival of the shipment from Rawalpindi Daewoo Cargo Service to Karachi Daewoo Cargo Terminal; rather, the said document was produced through PW-1 during his cross-examination. It is further observed that PW-1, who acted as mashir of recovery, when confronted regarding the packing material of the subject shipment, professed unawareness as to whether the same was packed in cartons or bags. Moreover, when questioned about the number of pieces of narcotics-soaked cloth recovered, he was unable to state the quantity. It is also significant to note that both the above PWs, during cross-examination, conceded that the recovered packing bags bore neither the name of the sender nor that of the recipient. They further admitted that neither before nor after the recovery did they make any inquiry regarding the shipment from the staff of the Daewoo Cargo Terminal, M.A. Jinnah Road, Karachi, nor was any member of the said cargo terminal staff examined during investigation. A perusal of Ex.3/A further reveals that the memo of recovery is silent regarding the recovery of any automobile accessories/parts. Additionally, both the complainant and the mashir were unable to state how many pieces of white cloth soaked with methamphetamine had been secured whether separately from each car seat cover or collectively from the ten car seat covers.

18. Likewise, the inability of the recovery mashir to state with certainty the nature of the packing material or the quantity of narcotics-soaked fabric recovered, together with the admitted absence of any identification marks of the sender or recipient on the recovered packing bags, casts further doubt upon the integrity of the recovery proceedings. The omission to make any inquiry from, or record statements of, the Daewoo Cargo Terminal staff, who were the most natural and independent witnesses to the booking, arrival, and delivery of the shipment, constitutes a serious lapse in investigation, depriving the prosecution of potentially corroborative evidence. The silence of the recovery memo (Ex.3/A) regarding the recovery of automobile accessories/parts, despite the complainant's claim of their seizure, further reflects inconsistency in the prosecution case. These cumulative omissions and contradictions, when viewed together, adversely affect the evidentiary value of the recovery proceedings and

*J. Jinnah*



warrant a cautious approach in placing reliance thereon for sustaining a conviction.

19. It is further observed that the complainant, Inspector Munir Abid, also acted as an Investigating Officer in the case; however, he failed to examine any member of the staff of the Daewoo Cargo Terminal at Karachi or at Rawalpindi from where the alleged shipment was booked. Another noteworthy aspect of the prosecution case is its claim that the subject shipment was dispatched from Rawalpindi and arrived at the Daewoo Cargo Terminal, M.A. Jinnah Road, Karachi. Nevertheless, after the alleged recovery of methamphetamine-soaked cloth pieces, the complainant/I.O. did not offer any explanation as to why the packing material or packing bags of the said shipment was not seized and produced during the trial, so as to demonstrate that the alleged recovery of white cloth pieces soaked with methamphetamine was indeed effected from the shipment that had arrived at the Daewoo Cargo Terminal, M.A. Jinnah Road, Karachi. It may further be observed that PW-3 Inspector Munir Abid, at the time of the alleged recovery of narcotic-soaked cloth, also claimed to have seized a motorcycle bearing Registration No. CD-70, KJT-2180, which was allegedly used by the appellants. Surprisingly, this motorcycle was never produced before the trial court as case property. Moreover, no verification was undertaken from the relevant excise and taxation department to ascertain the ownership of the said motorcycle. This unexplained omission not only reflects a lapse in investigation but also creates a reasonable doubt in the prudent mind regarding the veracity of the prosecution's claim of recovery, particularly in view of the stringent requirements of proof mandated under the CNSA.

20. This omission on the part of the complainant/I.O. further weakens the prosecution's case, as the non-seizure and non-production of the original packing material or packing bags deprives in establishing a link that the recovered methamphetamine-soaked cloth was in fact part of the shipment alleged to have arrived from Rawalpindi, the packing material, bearing possible identification marks, details of the sender, or shipment particulars, could have served as tangible corroboration connecting the recovered contraband to the alleged consignment; its absence, without any plausible explanation, casts a serious shadow on the reliability of the recovery proceedings and the prosecution narrative as a whole.

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21. Additionally, Exhibit 3/B, i.e., the booking slip, on its face gives rise to doubt regarding its authenticity. Firstly, the said booking slip pertains to ten packages, and a separate barcode is allotted for each package, with the total weight recorded as 65. However, the booking slip does not bear the signature or stamp of the cargo company to indicate that it was in fact issued by the booking clerk or any other authorised staff member of the Daewoo Terminal, Rawalpindi. Furthermore, Exhibit 3/B consists of two parts namely, the booking slip/sales tax invoice and the customer copy. The mode of payment is reflected as "cash on delivery," yet the document does not specify the amount, if any, paid at the Daewoo Cargo Terminal, Karachi, towards service charges.

22. These deficiencies in Exhibit 3/B materially affect its evidentiary worth. In the absence of any signature or official stamp of the issuing authority, there is no reliable assurance that the document originated from the Daewoo Terminal, Rawalpindi. Likewise, the omission to specify the amount allegedly paid at the Karachi terminal in respect of service charges renders the "cash on delivery" notation incomplete and ambiguous. When such a document is relied upon as the primary proof to establish the movement of the alleged consignment from Rawalpindi to Karachi, its authenticity must be free from suspicion. No receipt was recovered from the Appellants to suggest that they made payment to Daewoo for taking delivery of the shipment. The lack of essential particulars, coupled with the absence of corroboration from any member of the cargo company's staff, undermines its credibility and diminishes its value as independent evidence linking the recovered narcotics to the alleged shipment.

23. It may be observed that the alleged recovered methamphetamine-soaked fabric weighing 4.160 kg was transmitted for analysis to the office of the chemical examiner through PW-2, PC Yasir, who deposited the same therein. However, it is regrettable to note that the Investigating Officer did not request the chemical examiner to ascertain the net weight of methamphetamine contained in the recovered pieces of cloth soaked with methamphetamine. The *mashirnama*, as well as the chemical report (Ex.5/O), do not indicate what quantity of methamphetamine was present in the recovered fabric. In passing sentence, the trial court too erroneously treated the entire weight of the soaked fabric as the weight of the methamphetamine. In other words, the prosecution failed to substantiate its claim through flawless, convincing, and confidence-

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inspiring evidence, as is mandated in cases prosecuted under the stringent provisions of the CNSA.

24. On the other hand, the defence, during cross-examination, challenged the prosecution witnesses by asserting that Appellant No.1 had refused to act as a spy informer for the ANF and was, therefore, falsely implicated. It was alleged that the appellants were, in fact, arrested from the office of Appellant No.1, and that the Investigating Officer seized the CCTV cameras and DVRs from the said office. In their statements recorded under Sections 342 and 340(2), Cr.P.C., the appellants categorically denied their arrest from outside the Daewoo Cargo Terminal, M.A. Jinnah Road, Karachi, or any recovery of narcotics-soaked fabric from a shipment.

25. Appellant No.1, in his statement under Section 340(2), Cr.P.C., deposed that he was the proprietor of a courier company operating under the name and style of *Yes Courier Service*. He further stated that on 28.04.2023, one Ahsanullah Khan, resident near Taj Complex, booked a parcel containing books and clothes for shipment to Lahore. According to him, when he sent his rider (Appellant No.2) to pick the said parcel, Appellant No.2 returned to the office accompanied by four or five persons who disconnected the CCTV cameras, began unwrapping parcels lying in the office, and, upon inquiry, introduced themselves as ANF officials. He stated that they took away the DVR, his wallet, and then escorted both appellants to Police Station ANF Korangi. He also produced the courier receipt in the name of shipper Ahsanullah (Ex.12/A) in support of his stance. The statement of Appellant No.2 under Section 340(2), Cr.P.C., was consistent with the statement of Appellant No.1.

26. It is, however, surprising to note that while recording the statements of the appellants under Section 342, Cr.P.C., the learned trial Court, in questions No.2 to No.5, made reference to several exhibits, including Ex.3/A, Ex.4/A, Ex.4/B, Ex.4/D, Ex.5/A, Ex.5/B, and Ex.5/D; however, the basic document i.e., Ex.3/B (the booking slip), was not confronted to the appellants during their statements under Section 342, Cr.P.C. This omission constitutes a clear contravention of the mandate of Section 342, Cr.P.C., which obligates the Court to put to the accused every piece of incriminating evidence appearing against him, so as to enable him to explain the circumstances. The record further reflects that the incriminating material regarding the booking slip, as well as the presence and production of the pieces of

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narcotics-soaked fabric during trial, were never specifically put to the appellants. Moreover, the chemical report, along with its brief analysis, was also not confronted to them during their examination under Section 342, Cr.P.C.

27. It is an established principle of law that any piece of incriminating evidence must be specifically put to the accused during his statement under Section 342, Cr.P.C., failing which such evidence cannot be used against him. This principle has been consistently reiterated by the Honourable Supreme Court of Pakistan in numerous pronouncements, including the landmark judgment in *Muhammad Saddique v. The State* (2018 SCMR 71), which serves as guiding authority on this issue.

28. It is further to be noted that under a stringent statute such as CNSA, where capital punishment or imprisonment for life may be awarded even on the basis of the testimony of police officials, it is imperative for the prosecution to establish its case through reliable, unimpeachable, and confidence-inspiring evidence, proving the charge beyond any reasonable doubt. The settled principle is that the harsher the punishment prescribed, the stricter the standard of proof required. In this regard, guidance may be taken from the judgment of the Honourable Supreme Court of Pakistan in *Ameer Zeb v. The State* (PLD 2012 SC 380), wherein it was observed:

*"Punishments provided in the Control of Narcotic Substances Act, 1997 were quite stringent and long, if not harsh, and, thus, a special care had to be taken that a court trying such an offence had to be convinced that the entire quantity allegedly recovered from the accused person's possession was indeed narcotic substance. We, reverently and respectfully, tend to agree with the latter view and would like to add that the rule of thumb for safe administration of criminal justice is: 'The harsher the sentence the stricter the standard of proof..'"*

(Underling is provided by us for emphasis.)

In the said *Ameer Zeb* case, the Honourable Supreme Court further emphasized:

*"We may also observe that in such cases it is the accused person who is at the receiving end of long and stringent punishments and, thus, safeguards from his point of view ought not to be allowed to be sacrificed at the altar of mere comfort or convenience of the prosecution."*

*Z. Saqeen*



29. Even otherwise, it is well settled that for the purposes of extending the benefit of doubt to an accused, it is not necessary that there be multiple infirmities in the prosecution case or several circumstances creating doubt. A single or slightest doubt, if found reasonable, in the prosecution case would be sufficient to entitle the accused to its benefit, not as a matter of grace and concession but as a matter of right. Reliance in this regard may be placed on the cases reported as *Tajamal Hussain v The State* (2022 SCMR 1567), *Sajjad Hussain v. The State* (2022 SCMR 1540), *Abdul Ghafoor v. The State* (2022 SCMR 1527 SC), *Kashif Ali v. The State* (2022 SCMR 1515), *Muhammad Ashraf v. The State* (2022 SCMR 1328) and *Khalid Mehmood v. The State* (2022 SCMR 1148).

30. It is a settled principle of criminal jurisprudence that the prosecution must prove its case against an accused beyond reasonable doubt, and any doubt arising from the prosecution's own case must be resolved in favour of the accused. Reliance is placed on *Ahmed Ali and another v. The State* 2023 SCMR 781, wherein the Hon'ble Supreme Court held:

*"Even the slightest doubt, if found reasonable, is sufficient to entitle the accused to acquittal-not as a matter of grace, but as a matter of right."*

31. The chemical examiner's report fails to mention the net extractable weight. These omissions and contradictions create substantial doubt regarding the genuineness and transparency of the recovery proceedings. Under the stringent framework of the CNSA, where the law demands strict compliance with procedural safeguards and the highest standard of proof due to the severity of punishments prescribed, such lapses cannot be treated as minor irregularities. Instead, they directly impair the prosecution's ability to establish its case through unimpeachable, confidence-inspiring evidence.

32. In view of the foregoing discussion, our reappraisal of the entire evidence on record has revealed that the prosecution was not able to prove beyond reasonable doubt that the subject cloth pieces impregnated with methamphetamine concealed inside seat covers were seized from the possession of the Appellants.

33. Accordingly, extending the benefit of doubt to the appellants, Criminal Appeal No.580 of 2024 is allowed. The conviction and sentence recorded by the learned trial Court vide judgment dated 14-12-2024 are hereby set aside, and the appellants are acquitted of

*J. K. Cem*



the charge. They shall be released forthwith if not required in any other custody case.

34. Upon acquittal of the Appellants, Appeal No.142 of 2025 by ANF for the forfeiture of properties of the Appellant No.1, becomes infructuous and is dismissed accordingly.

*J. Adnan Iqbal*  
JUDGE

*J. Adnan Iqbal*  
28/8/2025  
JUDGE

Announced by:

*J. Adnan Iqbal*  
J. Adnan Iqbal Chaudhry  
28/8/2025

*J. Muhammad Tahir Raza*  
J. Muhammad Tahir Raza