

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Appeal No. D-29 of 2025
[Nadeem v. The State]

Before:

Mr. Justice Abdul Mobeen Lakho
Mr. Justice Riazat Ali Sahar

Appellant: Mr. Muhammad Shafique Gaddi,
Advocate

The State: Mr. Altaf Khokar, D.P.G. Sindh.

Date of hearing: 27.08.2026

Date of judgment: 27.08.2026

J U D G M E N T

RIAZAT ALI SAHAR, J.- Through the instant Criminal Appeal, the appellant/convict Nadeem son of Nabi Bakhsh, by caste Gaddi Pathan, has called in question the legality, propriety and correctness of judgment dated 08.04.2025 passed by the learned Special Judge for Control of Narcotic Substances, Tando Muhammad Khan, in Special Case No.27 of 2024, arising out of Crime No.177 of 2024 registered at Police Station Tando Muhammad Khan for an offence punishable under section 9(1)(3)(C) of the Control of Narcotic Substances Act, 1997, whereby the appellant was convicted under section 265-H(2), Cr.P.C. and sentenced to undergo rigorous imprisonment for nine (09) years with fine of Rs.200,000/- and, in default of payment thereof, to further undergo simple imprisonment for six months, with benefit of section 382-B, Cr.P.C. The appellant seeks setting aside of the impugned judgment and consequent acquittal from the charge.

2. The brief background of the case is that on 28.06.2024 at about 1430 hours, SIP Zaffar Iqbal, then posted at Police Station Tando Muhammad Khan, along with PC Muhammad Saleem, PC Junaid Lateef and DPC Ashique Hussain, left the police station vide departure entry No.15 in Government Mobile No.SPE-650 for patrolling. At about 1515 hours, when the police party reached Mullakatiar Railway Phatak, SIP Zaffar Iqbal allegedly received spy information that the appellant Nadeem son of Nabi Bakhsh was selling charas outside his house in Mushtarka Colony, Tando Muhammad Khan. Acting upon such information, the police party proceeded towards the pointed place and, at about 1530 hours, allegedly apprehended the appellant while he was carrying a black polythene bag. On checking the bag, four pieces of charas weighing 983 grams, 997 grams, 495 grams and 488 grams respectively, totalling 2963 grams, were allegedly recovered. On personal search, one currency note of Rs.500/- and a small knife were also allegedly recovered. In the absence of private persons, PC Muhammad Saleem and PC Junaid Lateef were associated as mashirs; the recovered property was sealed and a mashirnama of arrest and recovery was prepared at the spot.

3. Thereafter, the appellant and the case property were taken to Police Station Tando Muhammad Khan, where FIR No.177 of 2024 was registered at about 1630 hours for an offence under section 9(1)(3)(C) of the Control of Narcotic Substances Act, 1997. At about 1700 hours, the investigation was entrusted to SIP Gul Muhammad Mughal, who deposited the case property in the police malkhana through WHC Rizwan Ali Rind under entry No.145 of Register No.19 and recorded statements of the prosecution witnesses under section 161, Cr.P.C.

4. On 29.06.2024, the Investigating Officer, along with members of the police party, visited the alleged place of occurrence and prepared the mashirnama of inspection of place of incident. On 01.07.2024, the Investigating Officer took the sealed parcel containing the alleged charas from the malkhana and deposited the same before the Chemical Examiner. The chemical examination report was subsequently received on 18.07.2024, whereafter the Investigating Officer obtained the criminal record of the appellant and submitted challan before the competent Court.

5. Upon submission of challan, copies of the relevant documents were supplied to the appellant under section 265-C, Cr.P.C. whereafter charge was framed against him under section 9(1)(3)(C) of the Control of Narcotic Substances Act, 1997, to which he pleaded not guilty and claimed trial. During trial, the prosecution examined SIP Zaffar Iqbal as PW-1, PC Muhammad Saleem as PW-2, WHC Rizwan Ali Rind as PW-3 and SIP Gul Muhammad Mughal as PW-4. After closure of the prosecution side, the statement of the appellant under section 342, Cr.P.C. was recorded, wherein he denied the allegations, claimed innocence and produced an order dated 21.11.2023 passed in Criminal Miscellaneous Application No.862 of 2023 in support of his plea of previous hostility against the police hierarchy. He, however, neither examined himself on oath nor led any other defence evidence.

6. Ultimately, vide judgment dated 08.04.2025, the learned Special Judge for CNS, Tando Muhammad Khan, held the charge proved against the appellant, convicted him under section 265-H(2), Cr.P.C. for the offence punishable under section 9(1)(3)(C) of the Control of Narcotic

Substances Act, 1997, and sentenced him to rigorous imprisonment for nine years with fine of Rs.200,000/- and, in default thereof, to further undergo simple imprisonment for six months, while extending him the benefit of section 382-B, Cr.P.C. Being aggrieved and dissatisfied with the said judgment of conviction and sentence, the appellant has preferred the present Criminal Appeal.

7. Learned counsel for the appellant contended that the prosecution has failed to prove its case beyond reasonable doubt, as material contradictions exist between PW-1 and PW-2 regarding receipt of spy information, time taken to reach the place of occurrence and duration of the alleged recovery proceedings. He contended that despite the occurrence being shown in a populated locality, no private mashir was associated; rather, the Investigating Officer admitted the existence of houses, shops and hotels. He further pointed out that although four pieces of charas were allegedly recovered, five pieces were found when the parcel was de-sealed before the Court, while PW-2 also admitted variation in their colour. The original malkhana entry was not produced and the Investigating Officer admitted transporting the property in a private vehicle without disclosing its registration number. He further contended that the defence plea of previous hostility with the police was supported by a judicial order dated 21.11.2023 but was not properly appreciated by the trial Court. He, therefore, prayed that the impugned judgment be set aside and the appellant be acquitted by extending him the benefit of doubt.

8. Conversely, learned D.P.G. for the State supported the impugned judgment and contended that the prosecution had proved its case against the appellant beyond reasonable doubt through consistent and

confidence-inspiring evidence of the prosecution witnesses. He contended that the recovery of 2963 grams of charas from the conscious possession of the appellant stood fully established and was further corroborated by the positive report of the Chemical Examiner. He contended that the case property remained in safe custody and its chain of custody was duly established, while the discrepancies pointed out by the defence were minor and did not affect the substance of the prosecution case. He further submitted that section 103, Cr.P.C. was excluded by section 25 of the CNS Act, 1997; therefore, non-association of private mashirs was not fatal. He, therefore, prayed for dismissal of the appeal and maintenance of the conviction and sentence awarded by the learned trial Court.

9. We have heard the learned counsel for the appellant as well as the learned D.P.G. for the State at considerable length and have carefully perused the impugned judgment, the evidence of the prosecution witnesses, documentary material brought on record, statement of the appellant recorded under section 342, Cr.P.C., the defence material produced by him and the entire record and proceedings of the case with their able assistance.

10. The prosecution witnesses deposed as under:

- PW-1 SIP Zaffar Iqbal, complainant and head of the police party, was examined at Exh.04. He deposed that on 28.06.2024, he along with PC Muhammad Saleem, PC Junaid Lateef and DPC Ashique Hussain left Police Station Tando Muhammad Khan at 1430 hours vide departure entry No.15 for patrolling and, at about 1515 hours near Mullakatiar Railway Phatak, received

spy information that the appellant was selling charas outside his house in Mushtarka Colony. According to him, the police party proceeded to the pointed place and apprehended the appellant at about 1530 hours with a black polythene bag containing four pieces of charas weighing 983, 997, 495 and 488 grams, respectively, totalling 2963 grams. He further deposed regarding recovery of one currency note of Rs.500/- and a small knife, sealing of the property, preparation of mashirnama and registration of FIR at 1630 hours. He produced departure entry No.15 at Exh.04/A, mashirnama of arrest and recovery at Exh.04/B, FIR at Exh.04/C and arrival entry No.18 at Exh.04/D. In cross-examination, he stated that the spy was wearing white clothes; that the place where spy information was received was a busy area having shops, hotels and traffic; that it took about eight minutes to reach the place of occurrence and about ten minutes to arrest the appellant and prepare the mashirnama. He admitted that no video of the proceedings was recorded, that one parcel did not bear the name of the police station on its seals and, importantly, that upon de-sealing of the narcotic parcel before the Court, it contained five pieces of charas instead of the four allegedly recovered. He, however, denied false implication on account of the proceedings allegedly initiated by the appellant's son against the police authorities.

- PW-2 PC Muhammad Saleem, a member of the raiding party and mashir of arrest and recovery,

was examined at Exh.05. He substantially supported the prosecution version regarding departure for patrolling, receipt of spy information, apprehension of the appellant at about 1530 hours and recovery of four pieces of charas weighing 2963 grams from the black polythene bag carried by him. He also deposed regarding recovery of Rs.500/- and a small knife, sealing of the recovered property and preparation of mashirnama and further stated that on 29.06.2024 he accompanied the Investigating Officer for inspection of the place of occurrence. He identified and confirmed the mashirnama of arrest and recovery already produced at Exh.04/B. In cross-examination, however, he stated that at 1550 hours they left the place where spy information had been received and that it took about fifteen minutes to reach the place of occurrence. He admitted that the place of spy information had shops, hotels and passing traffic, yet no person was asked to act as mashir. He further admitted that it took about forty-five minutes to arrest the appellant and prepare the mashirnama; that no dummy purchaser was sent to the appellant; that no video of the alleged occurrence was recorded; that one sealed parcel did not contain the name of the police station on its seals; that the colour of two pieces of charas was different; and that five pieces of charas were present in Court instead of four. He nevertheless denied the suggestions of false recovery and implication at the instance of the police hierarchy.

- PW-3 WHC Rizwan Ali Rind was examined at Exh.06 to establish custody of the case property. He deposed that on 28.06.2024, while posted as WHC at Police Station Tando Muhammad Khan, SIP Gul Muhammad Mughal handed over two parcels to him, which he deposited in the police malkhana at 1700 hours under entry No.145, and that on 01.07.2024 he handed over the charas parcel to SIP Gul Muhammad for its transmission to the Chemical Examiner. He produced entry No.145 of Register No.19 at Exh.06/A and identified the case property before the Court. In cross-examination, he admitted that he had not produced the original entry of Register No.19 and that the document produced by him was a computerized entry. He, however, denied the suggestion that no such entry had been maintained or that he was deposing falsely at the instance of the police authorities.
- PW-4 SIP Gul Muhammad Mughal, the Investigating Officer, was examined at Exh.07. He deposed that on 28.06.2024 at about 1700 hours he received the FIR, mashirnama, appellant and two sealed parcels from the complainant and deposited the case property in the malkhana through WHC Rizwan Ali Rind under entry No.145. He recorded statements under section 161, Cr.P.C.; inspected the place of occurrence on 29.06.2024; and on 01.07.2024 took the narcotic parcel to the office of the Chemical Examiner, deposited it there and subsequently received the chemical report on 18.07.2024 before submitting the challan. He produced

entries Nos.10 and 11 at Exh.07/A, mashirnama of place of incident at Exh.07/B, entry No.7 at Exh.07/C, entries Nos.25 and 21 at Exh.07/D, letter addressed to the Chemical Examiner at Exh.07/E, receipt issued by the laboratory at Exh.07/F, Chemical Examiner's report at Exh.07/G and the alleged criminal record of the appellant at Exhs.07/H and 07/H-1. In cross-examination, he admitted that the entries produced by him were attested copies; that houses, shops and hotels existed at the place of incident; that neither he nor the complainant had recorded any video; and that no statement of any private person or dummy purchaser had been recorded. As regards transmission of the case property, he admitted that he transported it in a private vehicle, whose registration number was not mentioned in the departure entry, and that no coach ticket was produced. He further admitted that the criminal record produced by him bore no stamp, that copies of the relevant FIRs had not been attached thereto, that the appellant had been acquitted in other criminal cases except Crime No.50/2024, that no copy of the judgment in that case had been produced, and that he was unaware whether the conviction therein had subsequently been set aside by the appellate Court. He nevertheless denied the suggestions that the investigation was conducted at the instance of Incharge DIG Fazal Shah, that the case property had not been transmitted to the Chemical Examiner, or that the appellant had been falsely implicated.

11. On a careful reappraisal of the evidence, we find that the prosecution case suffers from material infirmities which are not peripheral in nature but strike at the identity of the alleged contraband and the integrity of its chain of custody. It is by now settled that, in narcotics cases, recovery and the report of the Chemical Examiner are not to be viewed in isolation. The prosecution must establish, through cogent and confidence-inspiring evidence, an unbroken, safe, secure and verifiable chain commencing from the alleged seizure, extending through sealing and deposit in the malkhana, and culminating in safe transmission to and receipt by the forensic laboratory. The more severe the punishment, the stricter is the standard by which the prosecution evidence is to be scrutinized. Reference may usefully be made to *Ameer Zeb v. The State (PLD 2012 SC 380)*, *Ikramullah and others v. The State (2015 SCMR 1002)*, *The State through Regional Director, ANF v. Imam Bakhsh and others (2018 SCMR 2039)*, *Mst. Razia Sultana v. The State and another (2019 SCMR 1300)*, *Zahir Shah alias Shat v. The State (2019 SCMR 2004)*, *Qaiser Khan v. The State (2021 SCMR 363)*, *Mst. Sakina Ramzan v. The State (2021 SCMR 451)*, *Gulzar v. The State (2021 SCMR 380)*, *Javed Iqbal v. The State (2023 SCMR 139)*, *Muhammad Hazir v. The State (2023 SCMR 986)*, *Asif Ali and another v. The State (2024 SCMR 1408)*, *Muhammad Iqbal v. The State through P.G. Sindh (2025 SCMR 704)*, *Abdul Haq v. The State (2025 SCMR 751)* and *Farman Ali and another v. The State (2025 SCMR 1730)*.

12. The first and most conspicuous defect relates to the very identity of the alleged narcotic substance. The prosecution case, as set out in the FIR, mashirnama and ocular account of **PW-1 and PW-2, is categorical that four pieces of charas were recovered from the appellant, separately weighing 983 grams, 997 grams, 495 grams and 488 grams, making a total of 2963 grams. Yet, when the sealed narcotic parcel was opened before the trial Court, both PW-1 and PW-2 admitted that it contained five pieces instead of four. PW-2 went**

further and admitted that the colour of two pieces was different. This is not a minor discrepancy relating to an inconsequential detail. The number, physical description and identity of the seized articles are foundational facts upon which the prosecution case rests. Once the article produced before the Court materially differs from the article allegedly recovered and sealed at the spot, a serious question arises whether the same property remained intact, whether it was substituted or interfered with, or whether the recovery proceedings were accurately recorded at all. The prosecution offered no satisfactory explanation for the transformation of four pieces into five. Such an unexplained alteration assumes still greater significance in a narcotics prosecution where the recovered substance itself is the corpus delicti and its identity must remain certain throughout.

13. The above discrepancy cannot be divorced from the evidence regarding seals. PW-1 and PW-2 both admitted that one parcel did not bear the name of the police station upon its seals. When this circumstance is read with the emergence of an additional fifth piece and the admitted difference in colour, the assurance ordinarily flowing from sealing of the case property stands substantially weakened. In **Zahir Shah alias Shat v. The State (2019 SCMR 2004)**, the Honourable Supreme Court reiterated that safe custody and safe transmission must be satisfactorily established and that any break in the chain impairs the reliability of the Government Analyst's report. Likewise, in **Gulzar v. The State (2021 SCMR 380)**, the failure to prove safe transmission was held sufficient to render the narcotic character of the alleged contraband legally unsafe for sustaining conviction. The subsequent decisions in **Javed Iqbal (2023 SCMR 139)**, **Asif Ali and another (2024 SCMR 1408)**, **Muhammad Iqbal (2025 SCMR 704)** and **Abdul Haq (2025 SCMR 751)** reinforce the same principle: every link must be proved, and a material rupture or inconsistency must enure to the benefit of the accused.

14. The prosecution's evidence concerning malkhana custody also falls short of the required standard. PW-3 WHC Rizwan Ali Rind claimed that the property was deposited under entry No.145 of Register No.19, but candidly admitted in cross-examination that he had not produced the original Register No.19 and that Exh.06/A was merely a computerized entry. The best contemporaneous record of deposit, retention and removal of case property was thus withheld. Rule 22.70 of the Police Rules, 1934 contemplates maintenance of Register No.XIX in the prescribed form for articles placed in the police store-room. The importance of this record in narcotics prosecutions has been emphasized by the Honourable Supreme Court in **Asif Ali and another v. The State (2024 SCMR 1408)**, where failure to establish the documentary trail, including the relevant malkhana record, was treated as a serious defect in the chain of custody. More recently, **Muhammad Iqbal v. The State through P.G. Sindh (2025 SCMR 704)** reiterated that the prosecution is bound to establish each stage of recovery, storage and transmission with unimpeachable certainty. A secondary or computerized extract, without production of the original statutory register and without a satisfactory explanation for its non-production, does not remove the doubt created in the peculiar facts of the present case, particularly when the physical condition of the property produced in Court itself did not correspond with the alleged recovery.

15. Equally significant is the interval between the alleged recovery and the delivery of the narcotic parcel to the Chemical Examiner. The alleged recovery was effected on 28.06.2024, whereas, according to PW-4, the parcel was taken out of the malkhana and deposited with the Chemical Examiner on 01.07.2024. Thus, for about three days the decisive incriminating article remained within police custody. Delay by itself is not invariably fatal where every intervening link is affirmatively proved and the seals and custody are shown to have remained intact; however, an unexplained or inadequately documented interval becomes material where the prosecution

has already failed to produce the original Register No.19 and where the property ultimately produced in Court contains a different number of pieces. In **Muhammad Aslam v. The State (2011 SCMR 820)**, unexplained delay in remission of samples to the Chemical Examiner was treated as a circumstance warranting benefit of doubt. In **Qaiser Khan v. The State (2021 SCMR 363)**, even a two-day period for which the prosecution evidence was silent was considered material because safe custody and transmission had not been established. **Muhammad Hazir v. The State (2023 SCMR 986)** similarly treated a three-day interval, coupled with non-production of the relevant custodial witnesses, as creating an apparent possibility of tampering. **Asif Ali and another v. The State (2024 SCMR 1408)** again stressed timely and documented transmission as an essential limb of the prosecution case.

16. The manner of transmission further compounds the doubt. PW-4 admitted that he carried the parcel to the Chemical Examiner in a private vehicle, yet the registration number of that vehicle was not mentioned in the departure entry and no coach ticket or other independent document was produced. The issue is not that use of a private vehicle is per se unlawful; rather, in a case where the original malkhana record is absent and **the physical composition of the parcel later changes from four pieces to five**, the prosecution was required to dispel, rather than deepen, uncertainty regarding every movement of the property. The law declared in **Ikramullah and others v. The State (2015 SCMR 1002)**, **Imam Bakhsh (2018 SCMR 2039)**, **Qaiser Khan (2021 SCMR 363)**, **Javed Iqbal (2023 SCMR 139)** and **Farman Ali and another (2025 SCMR 1730)** leaves little room for doubt that safe custody and safe transmission are substantive evidentiary requirements; if the chain remains unverified, the positive chemical report cannot, standing alone, cure the defect.

17. We have also examined the argument regarding absence of video recording. PW-1, PW-2 and PW-4 unequivocally

admitted that no video of the raid, recovery or arrest was recorded. The Sindh Control of Narcotic Substances Act, 2024, through section 17(2), now expressly provides that video recording of all raids, seizures, inspections and arrests shall be made by the officer in-charge of such operations. This legislative safeguard is plainly designed to introduce transparency, objectivity and verifiability into narcotics enforcement, where the alleged contraband is ordinarily recovered in the exclusive presence of official witnesses. We are, however, conscious that the occurrence in the present case is dated 28.06.2024, whereas the Sindh Control of Narcotic Substances Act, 2024 was enacted and brought into force subsequently. Section 17(2), therefore, cannot retrospectively be treated as a statutory condition governing a recovery which had already taken place. Nevertheless, the admitted absence of any contemporaneous electronic record remains a relevant factual circumstance when appreciating the credibility of an otherwise disputed police recovery, particularly where the prosecution evidence itself contains the serious discrepancies noticed above. The subsequent statutory requirement also demonstrates the legislative importance now attached to such objective documentation. In **Waseem Ahmed v. The State (2025 MLD 1930)**, while dealing with the 2024 provincial statute, this Court treated absence of video recording, along with other procedural deficiencies, as a circumstance weakening the prosecution case. We accordingly do not acquit the appellant for breach of section 17(2) as such; rather, the absence of video is considered cumulatively with the defects in identification, sealing, custody and transmission of the alleged contraband.

18. The contradictions between the two principal recovery witnesses provide an additional layer of doubt. PW-1 stated that it took approximately eight minutes to reach the place of occurrence and about ten minutes to arrest the appellant and prepare the mashirnama. PW-2, on the other hand, stated that the police party left the place of spy information at 1550 hours, took about fifteen minutes to reach the spot, and approximately

forty-five minutes to complete arrest and preparation of the mashirnama. These versions are difficult to reconcile with the prosecution chronology that the appellant was apprehended at about 1530 hours and the FIR was registered at 1630 hours. Both witnesses admitted that the area was busy and contained shops, hotels and passing traffic; nevertheless, no private person was even asked to act as mashir, no dummy purchaser was sent despite the allegation that the appellant was actually selling charas, and no private witness was examined during investigation. We are mindful that section 25 of the CNS Act, 1997 excludes the strict application of section 103, Cr.P.C. and, therefore, official witnesses are not to be discarded merely because of their official status. Yet exemption from section 103, Cr.P.C. does not confer immunity upon police evidence from ordinary judicial scrutiny. Where official testimony is internally inconsistent and the chain of custody is independently doubtful, absence of objective or independent corroboration assumes significance.

19. The defence plea also cannot be entirely brushed aside. In his statement under section 342, Cr.P.C., the appellant claimed false implication and produced an order dated 21.11.2023 passed in Criminal Miscellaneous Application No.862 of 2023 to demonstrate previous hostility with the police hierarchy. It was not for the appellant to prove his innocence or to establish the defence plea beyond doubt. The burden throughout remained upon the prosecution. Once the prosecution evidence itself gives rise to reasonable doubt, weakness or otherwise of the defence cannot fill the gaps in the prosecution case. The alleged previous criminal record produced by PW-4 also carries little evidentiary value for determining guilt in the present case, particularly when PW-4 admitted that the record bore no stamp, copies of the relevant FIRs were not annexed, the appellant had been acquitted in other cases except one and even the final fate of that remaining conviction was not known to him. Criminal liability must rest upon proof of the

charge presently before the Court and not upon propensity or unproved antecedents.

20. The cumulative effect of the foregoing circumstances is decisive: four pieces allegedly recovered became five when produced in Court; two pieces were admitted to be of a different colour; one parcel did not bear the police-station name upon its seals; no video or other objective record of the raid and recovery existed; the original Register No.19 was not produced; the alleged narcotic parcel remained in police custody for about three days before reaching the Chemical Examiner; and its subsequent transportation was through an unidentified private vehicle. These are not isolated technicalities. Taken together, they make the identity and integrity of the alleged contraband uncertain and render the chain of custody neither unbroken nor free from suspicion. A positive Chemical Examiner's report proves the nature of the substance actually received and tested by the laboratory; it cannot by itself prove that the substance tested was the very same substance allegedly recovered from the accused where the prosecution has failed to establish that connecting chain. This is the central principle running through ***Ikramullah (2015 SCMR 1002)***, ***Imam Bakhsh (2018 SCMR 2039)***, ***Zahir Shah (2019 SCMR 2004)***, ***Qaiser Khan (2021 SCMR 363)***, ***Javed Iqbal (2023 SCMR 139)***, ***Asif Ali (2024 SCMR 1408)***, ***Muhammad Iqbal (2025 SCMR 704)***, ***Abdul Haq (2025 SCMR 751)*** and ***Farman Ali (2025 SCMR 1730)***.

21. It is a cardinal principle of criminal jurisprudence that the prosecution must stand on its own legs and establish guilt beyond reasonable doubt. The benefit of doubt is not a matter of concession or grace but a substantive right of an accused. In ***Tariq Pervez v. The State (1995 SCMR 1345)***, the Honourable Supreme Court held that even a single circumstance creating reasonable doubt in a prudent mind is sufficient to entitle an accused to acquittal. The principle was reiterated in ***Muhammad Akram v. The State (2009 SCMR 230)***, ***Muhammad Aslam v. The State (2011 SCMR 820)***,

Muhammad Mansha v. The State (2018 SCMR 772) and, in the narcotics context, in **Farman Ali and another v. The State (2025 SCMR 1730)**. In the present case, there is not merely one doubtful circumstance but a cluster of material defects touching the alleged recovery, identity, sealing, custody and transmission of the contraband. To maintain a conviction despite these infirmities would require conjecture to take the place of proof, which the criminal law does not permit.

22. For what has been discussed above, we are unable to agree with the conclusion reached by the learned trial Court. The prosecution failed to establish the charge against the appellant beyond reasonable doubt. Consequently, Criminal Appeal No.D-29 of 2025 was **allowed** vide our short order dated 27.08.2026; the judgment dated 08.04.2025 passed by the learned Special Judge for Control of Narcotic Substances, Tando Muhammad Khan, in Special Case No.27 of 2024 was set aside; and the appellant Nadeem son of Nabi Bakhsh was acquitted of the charge by extending to him the benefit of doubt. He was ordered to be released forthwith, if not required to be detained in any other custody case.

23. These are the reasons for the short order announced on 27.08.2026.

JUDGE

JUDGE

Approved for reporting