

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Omar Sial

Mr. Justice Muhammad Humayon Khan

Cr. Appeal No.D-78 of 2025

Appellant : Muhammad Ramzan Chand through
Mr. Mumtaz Sachal Awan, Advocate

State : Through Mr. Shahriyar Shar, Special
Prosecutor ANF.

Date of Hearing : 20-10-2026

Date of Judgment : 23-10-2026

J U D G M E N T

OMAR SIAL, J.: On October 5, 2024, ANF Inspector Dawood Munawar was at the Police Station, ANF Hyderabad. On the same date, an informant provided intelligence through superior officers that an individual named Muhammad Ramzan would be transporting a large quantity of narcotics on a motorcycle. The delivery was scheduled between 1650 hours and 1750 hours near Isra University, on the road from Ayoob Hotel toward Hala Naka, to a specific customer. A raiding party led by Inspector Munawar reached the designated location at about 1645 hours and set up a checkpoint (nakka bundi).

2. At approximately 1700 hours, they spotted a black, unnumbered CD-70 motorcycle approaching from the direction of Ayoob Hotel. The informant pointed to the rider and identified him as Muhammad Ramzan Chand. During initial questioning, the detained individual identified himself as Muhammad Ramzan. When questioned about the narcotics, he resisted initially but eventually disclosed that the drugs were inside a black plastic bag placed on the motorcycle's fuel tank. He handed over the bag. Upon opening it, 10 packets of chars (cannabis) wrapped in transparent plastic bags were found. Six

packets weighed 500 grams each (3 kilograms total), and the remaining four packets weighed 250 grams each (1 kilogram total). The total recovered weight of the chars was 4 kilograms. Investigators took 10-gram samples from each packet and sealed them. Investigators arrested Ramzan and registered FIR No. 40/2024 under Sections 6, 9(1)3-C of the Control of Narcotic Substances (CNS) Act, 1997.

3. On October 7, 2024, on the instructions of Inspector Munawar, the Malkhana Incharge ASI Muhammad Siddique dispatched the samples to the Sindh Chemical Laboratory in Karachi via PC Muzamil. PC Muzamil transported the sample to Karachi, deposited it the same day, obtained a receipt from the chemical examiner, and returned.

4. During interrogation, the arrested accused, Muhammad Ramzan, disclosed that he operated the narcotics trade alongside a co-accused named Khalil Ahmed, son of Shahib Dino. Consequently, the police nominated Khalil Ahmed in the case.

5. Both Mohammad Ramzan and Khalil Ahmed pleaded not guilty and claimed a trial. At the trial, the prosecution examined PW-1 Inspector Daud Munawar (complainant and investigation officer); PW-2 Constable Manzoor Hussain (witness to the arrest and recovery); PW-3 P.C. Mohammad Muzamil (the courier); and PW-4 S.I. Mohammad Siddique (maalkhana in-charge). In his section 342 Cr.P.C. statement, Ramzan professed innocence, denied any wrongdoing, and further stated that a false case was registered against him at the behest of a man called Farid Sipio, who was in jail and had influenced ANF. Mohammad Ramzan recorded a statement under section 340(2) Cr.P.C. and also summoned Deen Mohammad (DW-1) as his witness.

6. The learned Special Judge, CNS, Court No. 1 at Hyderabad, on 30.08.2024, acquitted Khalil Ahmed but convicted Mohammad Ramzan and sentenced him to 10 years' imprisonment and a fine of Rs. 200,000. If he did not pay the fine, he would remain in prison for another year. Mohammad Ramzan has challenged this judgment by way of appeal.

7. The learned counsel representing Mohammad Ramzan has argued that section 103 Cr.P.C. was not complied with; that Khalil Ahmed was acquitted on the same set of evidence; and that safe custody and transmission were violated. In support of his submission

regarding safe custody, he cited Jeehand vs The State (2025 SCMR 923). The learned Special Prosecutor, ANF, vehemently supported the impugned judgment.

8. We have heard the learned counsels and reappraised the evidence. Our observations and findings are as follows.

9. We will first address the arguments raised by the appellant's learned counsel. Section 25 of the CNS Act, 1997 explicitly excludes the applicability of Section 103 Cr.P.C. in cases falling within the anti-narcotics legislation. Khalil Ahmed differs from Ramzan. Ramzan was in possession of the narcotics, whereas Khalil Ahmed's name was taken by Ramzan, who said that Khalil Ahmed and he worked together. Our observation below shows that safe custody and transmission were also unbroken.

10. The arrest and recovery were made between 5:00 p.m. and 6:10 p.m. on 05.10.2024. The F.I.R. was registered at 7:00 p.m. that day. The case property was handed over to A.S.I. Inspector Dawood Munawar handed it over to Mohammad Siddique, and the requisite entry was made the same day. The property was taken out from the maalkhana on 07.10.2024 and handed over to P.C. Muzamil. The requisite entry was made. The requisite Road Certificate was issued the same day, and P.C. Muzamil took the case property to the Chemical Examiner, Sindh Laboratory, the same day. The Chemical Analyst's Report shows that it received the case property on 07.10.2024 from P.C. Muzamil. Both the maalkhana in-charge and the courier were examined at the trial.

11. We also went through the testimony of DW-1 Deen Mohammad and found it neither confidence-inspiring nor trustworthy. All he says is that Ramzan had come to his shop nine to ten months ago and left a packet of vegetables there. He had returned some time later to take his vegetables. After half an hour, he saw the police arrest Ramzan. In his section 340(2) Cr.P.C. statement, Ramzan did not mention that Fareed Sipio influenced ANF to arrest him. He merely said that ANF had arrested him and taken him in a car. Ramzan's defence was neither strong nor applicable.

12. Mohammad Ramzan was caught red-handed with a sizeable quantity of a substance which the Chemical Analyst opined to be charas – a substance possession of which is prohibited. No malafide

on ANF's part was proved at the trial. We find no reason to interfere with the learned trial court's judgment.

The appeal is dismissed.

JUDGE

JUDGE

Ali Haider

