IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Omar Sial
Mr. Shamsuddin Abbasi

Criminal Appeal No.180 of 2024

Appellant	:	*M/S Abbott Laboratories (Pakistan) Limited* through M/S Rashid Mureed and Abdul Sami Mehar, advocates
The State	:	Ms. Rubina Qadir, Deputy Prosecutor General Sindh a/w Abdul Rahim Abbasi, Retired Drug Inspector, Health Department, Government of Sindh

Date of hearing: 03.09.2026

Date of Judgment: 16.11.2026

JUDGMENT

Omar Sial J. The complainant, Inspector of Drugs, Abdul Rahim Abbasi, inspected Abbott's factory premises on 26.06.2013 and reported several operational irregularities. By notice dated 28.06.2013, he confronted Abbott with these alleged discrepancies; however, nowhere in the notice did he allege that Abbott was engaged in the sale of Schedule B drugs without the requisite license for narcotics or psychotropic substances. Based on these allegations, the Inspector lodged a complaint registered with the Special Drug Court, Sindh at Karachi, as Case No. 45/2013 ("the Case") under Sections 23(1)(a)(x), 23(1)(c), 23(1)(i)(ii), and 27(3) and (4) of the Drugs Act, 1976, read with the Sindh Drug Rules, 1979. In the impugned judgment dated 14.02.2024, the Drug Court found Abbott and its employees in contravention of the Act.

2. The charge was framed against Abbott and its employees on 02.01.2014, alleging that Abbott and its authorized officers sold Schedule B drugs to R.S. Traders without a valid drug sale

license as required under the Sindh Drug Rules, 1979. Abbott and its officers pleaded not guilty and claimed trial. The complainant Inspector (PW-1) led the prosecution evidence, and the proprietor of Abbott was examined on oath, while the defense called no witnesses.

3. A bare perusal of PW-1's examination-in-chief demonstrates that he adduced no evidence regarding the alleged unauthorized sale of Schedule B drugs by Abbott. In fact, the sole adverse assertion made against Abbott was that "*the accused failed to produce the licence for supplying locally manufactured drugs*" and that, per his investigation, Abbott was merely an importer of the drugs. During cross-examination, however, PW-1 categorically admitted that Abbott is a "*manufacturer as well as importer*." He then erroneously asserted: "*It is incorrect to suggest that there is a common sale drug license for selling imported and locally manufactured drugs; voluntarily says, as per Rule 12 & 14 of Sindh Drug Rules, there are separate licenses… It is a fact that to sell the imported drugs, the manufacturer requires a Form-07 license. It is a fact that the drug manufacturing license authorized the manufacturer to sell locally manufactured drugs.*"

4. In their statements recorded under Section 342 Cr.P.C., all co-accused were confronted with the question of whether the drugs sold by Abbott to R.S. Traders, Jacobabad, were locally produced, and whether Abbott, being an importer, was barred from selling locally produced drugs without a valid license. All accused categorically denied this allegation. Crucially, no question was put to any of the co-accused under Section 342 Cr.P.C. regarding the alleged sale of Schedule B drugs without the requisite license.

5. First and foremost, the sole allegation advanced in PW-1's examination-in-chief was that the accused failed to produce a license for locally manufactured drugs. Yet, in cross-

examination, PW-1 conceded the correct legal position—namely, that separate licenses are not required for locally manufactured products versus imported drugs. A plain reading of Rule 12(ii) of the Sindh Drug Rules, 1979 confirms that a license in Form 7 for "*sale by way of wholesale shall be issued to manufacturer, importer or indenter...*" Because the rule draws no distinction between a manufacturer and an importer, a Form 7 license encompasses both capacities. Consequently, the dichotomy artificially constructed by the complainant to sustain this prosecution is legally untenable, giving rise to the inference that these proceedings were actuated by malice rather than the due administration of law.

6. Secondly, the entirety of the impugned judgment rests upon Abbott's sale of the drug *Epival*, despite the fact that no evidence regarding this drug was ever led at trial. Indeed, *Epival* is mentioned for the first time in the impugned judgment itself. PW-1 made no reference to it, much less furnished evidence establishing that *Epival* falls within the category of narcotics or psychotropic substances requiring a separate license for sale. Nor were the accused confronted with its sale in their Section 342 Cr.P.C. statements, and no questions were put to the accused Tahir ul Rasheed during cross-examination regarding the classification or chemical composition of *Epival*.

7. The impugned judgment notes that *Epival* is primarily composed of Sodium Valproate (Valproate sodium 500 mg/5ml, where each 5ml contains Valproate sodium equivalent to 500 mg valproic acid, or 100 mg/ml). Relying solely on a cursory Wikipedia search stating that "valproate has a broad spectrum of anticonvulsant activity," the Trial Court concluded that *Epival* is an anticonvulsant falling within the ambit of psychotropic drugs under Schedule B, thereby requiring a separate sale license under Rule 12(v). On this basis, the Trial Court held that this omission contravened the Act and the Rules, and found the co-accused liable.

8. The Drugs Act, 1976 establishes an elaborate statutory mechanism for the testing and analysis of drugs. It mandates the establishment of Federal (Section 14) and Provincial (Section 15) laboratories—Sindh having its own Drug Testing Laboratory—as well as the appointment of Government Analysts (Section 16) and Inspectors (Sections 17 and 18). Rule 4-B(iii) and (vi) of the Drug Rules, 1979 vest inspectors with the authority to seize drug samples for testing, while Section 19 sets out a comprehensive sampling procedure. Furthermore, Section 22 provides that a signed report from a Government Analyst constitutes conclusive, admissible proof of the test results unless objected to by the aggrieved party within 30 days.

9. Given this exhaustive statutory framework—which the complainant Inspector wholly circumvented in the present case—it is surprising that the impugned judgment relies merely on a perfunctory Wikipedia search. Upholding the impugned judgment would effectively lower the prosecution's evidentiary burden to that of an unverified internet search, which is legally impermissible. Doing so would amount to judicial overreach, rendering the entire statutory scheme of the Act redundant. We are further fortified in this view by the settled principle of law that when a statute requires a thing to be done in a particular manner, it must be done in that manner or not at all. Reference may be made to *Tristar Industries (Pvt) Limited v. Trisa Burstenfabrik AG Triengen* (**2023 SCMR 1502**).

10. An objection was also raised regarding the maintainability of this appeal on the ground that only the company has preferred the instant appeal, while the employees of Abbott (impleaded as respondents) have not. However, in light of the fundamental infirmities in the prosecution's case and the manifest errors in the impugned judgment detailed above, delving into the question of maintainability at this stage would be a purely academic exercise.

11. For the foregoing reasons, given the disregard for due process of law and the prosecution's failure to discharge its burden of proof, we allow this appeal and set aside the impugned judgment. The appellants are acquitted of the charge.

JUDGE

JUDGE