IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Omar Sial
Mr. Shamsuddin Abbasi

Criminal Appeal No.121 of 2026

Appellant	:	*Hayyat Sharif* through Mr. Shah Khan and Ms. Nighat Jabbar, advocates
The State	:	Nemo.
Date of hearing:		01.09.2026
Date of Judgment:		02.11.2026

JUDGMENT

Omar Sial J. On 12.03.2024, the appellant, Hayyat Sharif, was waiting at Jinnah International Airport to board a flight to Bahrain through Gulf Airline when the ANF received intelligence that someone would attempt to smuggle narcotics on the same flight. The ANF identified the suspicious person, who held a grey trolley bag with his air ticket and passport, entered the departure gate, and came to the ANF counter. Upon checking his luggage, heroin concealed in the pipes of the bag was discovered; the total weight of heroin was 460 grams, out of which 10 grams were taken as samples and sealed. The police arrested Hayat and registered FIR No. 20/2024 under Sections 6, 9(1), 14 & 15 of the CNS Act 1997, as amended in 2022, at ANF Korangi Police Station.

2. Hayat pleaded not guilty and requested a trial. At the trial, the prosecution examined **PW-1 S.I. Hammad Ali Shah** (in-charge, Malakhana), **PW-2 Inspector Muhammad Muzzamil Ahmed** (complainant as well as I.O. of the case), **PW-3 Anees Kamal** (Manager of Al-Ayub Hotel), **PW-4 P.C. Abdul Aziz** (courier who took narcotics to the chemical examiner), and **PW-5 P.C. Syed Fakhar Abbas Jaffri** (witness of the recovery). In his Section 342 Cr.P.C. statement, the appellant pleaded

innocence and further stated that the narcotics had been foisted upon him.

3. The learned Special Court-III (C.N.S), Karachi, on 20.01.2026, convicted Hayat and sentenced him to R.I. for seven years with a fine of Rs.30,000. This judgment is the subject of the present appeal.

4. We have heard learned counsel for the appellant, who has argued that there is a discrepancy in the color of the bag which was seized as evidence it was a grey-colored bag but in the USB footage it was a blue-colored bag; although spy information was received, no private witness was cited; CCTV footage from the airport was not taken; the Customs Officers present at the airport were not examined; the clothes were checked and were identified as Hayyat's clothes; and the chemical analyst was not examined in the trial, and the witnesses do not corroborate each other in their statements.

5. We heard the appellant's learned counsel. Our observations and findings are as follows.

6. We will first address the submissions made by the appellant's counsel. Section 25 of the CNS Act, 1997 excludes the applicability of Section 103 Cr.P.C. Color distortion on CCTV systems is a well-documented phenomenon that frequently occurs due to lighting conditions, camera hardware, and environmental factors. Gray and blue are particularly prone to confusion or misidentification in video surveillance. The bag in question was indeed produced at the trial and identified. We do not see the relevance of the argument that Hayat's clothes were found in the bag. It would be reasonable to presume that if it were Hayat's bag, it would contain his belongings. Section 510 Cr.P.C. provides that any document purporting to be a report, under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government or any Serologist, amongst others, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any

proceeding, may, without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under the Code. Section 36 of the CNS Act, 1997 also echoes the same. The defence could have moved an application to summon the Analyst. This was not done. It was an admitted position that footage from the airport was not obtained. The defence could have moved an application calling for the footage. This was not done. None of the submissions made by the learned counsel was strong enough to upset the impugned judgment.

7. Although the learned counsel did not make the submissions, we have in any case also taken into account the contents of the memo of appeal. It is said in the memo that the heroin recovered from two pipes of the bag was all put into one plastic bag and sealed. An argument was raised that the bag that was produced in court did not have any signature on it. In this regard, the record reflects that a sample of ten grams was put and sealed in a plastic bag and labeled as Parcel 1; whereas the remaining heroin in the plastic bag was put in a white cloth parcel, sealed and marked as Parcel 2. The bag containing Sharif's belongings was sealed in the same bag in which it was kept and marked as Parcel 3. The signatures were on the white bag marked as Parcel 2. Thus, the argument that the plastic bag inside the white colored cloth bag had no signatures is misconceived.

8. No submission claiming that safe custody and transmission had been compromised was made. No defect in this regard appears on the record. Similarly, no malafide intent of ANF officials in falsely accusing the appellant has been argued, and none appears on the record.

9. The record reflects that Hayat Sharif was arrested at the airport before he could board a flight to Bahrain. A substance was found in his bag, which was later opined to be heroin – a substance the possession of which is prohibited under the CNS Act, 1997. All procedures stipulated by law were complied with. The learned trial court has addressed each aspect of the case

comprehensively. We find no reason to interfere with the learned trial court's well-reasoned judgment.

10. The appeal is dismissed.

JUDGE

JUDGE