

Judgment Sheet  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeal No.916 of 2025**  
(Muhammad Rashid vs. The State)

**Present:**

**Mr. Justice Muhammad Iqbal Kalhoro**

**Mr. Justice Syed Fiaz-ul-Hassan Shah**

For hearing of main case

**17.03.2026**

M/s. Habib-ur-Rehman Jiskani and Sofia Lakho, advocate for appellant  
Mr. Ali Haider Salim, Addl: PG Sindh

**J U D G M E N T**

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**Muhammad Iqbal Kalhoro, J:-** Appellant was arrested on 21.05.2023 at 1700 hours by a police party headed by SIP Afzaal Hussain of Police Station Gulbahar, Karachi, from inside a road near Pulya Nadi Lyari Expressway, Haji Mureed Goth, Gulbahar, Karachi, and from him allegedly 1140 grams of charas was recovered. Hence, he was booked in the present case, and tried by the learned Additional Sessions Judge-I/MCTC/Special Judge for (CNS), Karachi Central,

2. He has been returned guilty verdict in the terms of impugned judgment dated 29.10.2025 for committing an offence u/s 6, 9(i)3(c) Control of Narcotic Substances Amended Act, 2022 to suffer rigorous imprisonment (RI) for 9 years and pay Rs.80,000/- as fine, in default to suffer S.I. for 03 months. This judgment, the appellant has challenged through this appeal.

3. Learned counsel for appellant has argued that the witnesses have contradicted each other on material facts; there is violation of section 103; the description of the property has not been mentioned in the prosecution case, hence, the appellant is entitled to a benefit of doubt. In support of his contentions, he has relied upon the case laws reported in **1995 SCMR 1345 and 2025 SCMR 704.**

4. His arguments have been rebutted by learned Deputy Prosecutor General (DPG), and has submitted that appellant has a criminal history sheet.

5. We have considered arguments of the parties, perused material available on record, and taken guidance from the case law cited at the bar. In this case prosecution has examined four witnesses, including complainant,

mashir, IO, and Head Mohrar, who was allegedly entrusted with the case property, after its recovery from the appellant, to keep in safe custody. We have seen that the prosecution witnesses, namely, complainant and mashir, have contradicted each other over the fact as to who had conducted personal search of the appellant at the time of his arrest.

6. In this regard, complainant Afzal Hussain, in his evidence (Exh-3) has claimed that it was he who had conducted his personal search and recovered a shopper containing charas tucked in the fold of shalwar. Further that he had weighed the charas through computer scale, which became 1140 grams. Whereas, at the same time, mahsir, namely, PC Mubeen, in his examination-in-chief has asserted that he had carried out personal search of appellant and recovered the shopper containing charas, and it was he, who had weighed the charas on computer scale.

7. On a different note, the complainant has deposed that after arrival at the Police Station, he handed over the case property to Head Moharrir. While, the Investigating Officer (IO) in his evidence has contradicted his statement by deposing that he had received the case property from the complainant and deposited in the malkhana. On this point, Head Moharrir, PW-4 (Exh-6) has deposed that he was handed over the case property by complainant, which he kept in the malkhana. If it is so, then it becomes unclear as to how the IO, who claims to have received the case property from the complainant directly came into possession of the property. Further, we have observed that the description of the property is not adequately mentioned anywhere in the case. For instance, Head Moharrir in his deposition, has admitted that description of the property is not mentioned in Register No.19, or the fact that whether it was in a sealed condition.

8. When, we look at the aforesaid contradictions from a birds view, we find that prosecution case is not free from a reasonable doubt. No doubt that in narcotic cases, the Courts are required to have a dynamic approach and ignore minor contradictions or discrepancies that occur naturally but at the same time it is settled that the contradictions on main features of the case cannot be overlooked. In this case, as we have discussed as above, the witnesses of arrest and recovery of appellant have contradicted each other in regard to recovery, personal search, weighting the narcotics and handing over the case property and keeping it in the Malkhana.

9. It is a settled proposition that if a single circumstance in a case creates a doubt, its benefit has to go to the accused, not as a matter of grace, but as a matter of right. We, therefore, find that the prosecution has not been able to prove the case against the appellant beyond a reasonable doubt. Hence, while giving benefit of doubt to the appellant, we set aside the impugned judgment. Resultantly, the appeal is allowed and the appellant shall be released forthwith, if not required in any other custody matter.

10. These are reasons of short order dated 12.03.2026, whereby this appeal was allowed and the impugned judgment dated 29.10.2025 was set aside.

The appeal is disposed of in above terms.

JUDGE

JUDGE

Rafiq/PA.