IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:-
Mr. Justice Shamsuddin Abbasi
Mr. Justice Khalid Hussain Shahani

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Criminal Appeal No.549 of 2026

Appellant	Shabbir son of Rasheed Ahmed through Ms. Ganj Khatoon, Ms. Sidra Tabassum, Ms. Ganj Bibi & Ms. Shaheen Ashraf, Advocates.
Respondent	The State through Mr. Habib Ahmed, Special Prosecutor A.N.F. Karachi.
Date of Hearing	**02.11.2026**
Date of Judgment	**10.11.2026**

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J U D G M E N T

Shamsuddin Abbasi, J.- Shabbir son of Rasheed Ahmed, appellant, has called into question the validity of the judgment dated 21.08.2026, penned down by the learned Special Court No.I (Control of Narcotic Substances), Karachi, in Special Case No.136 of 2022 (FIR No.83 of 2022) registered at Police Station ANF-MACHS, Korangi, Karachi, for an offence under Sections 6/9(1)6(b) of the Control of Narcotic Substances Act, 1997 (as amended in 2022), through which he was convicted under Section 6/9(1)6(b) of the Control of Narcotic Substances Act, 1997 (as amended in 2022) and sentenced to undergo rigorous imprisonment for seven (07) years along with a fine of Rs.30,000/- and to suffer simple imprisonment for a further period of one month in lieu of fine. The benefit in terms of Section 382-B, Cr.P.C. was, however, extended to the appellant.

2. Short but relevant facts of the case are that on 05.10.2022 upon receipt of spy information the complainant Inspector Abdul Rasheed Dahri, accompanied by subordinate staff of P.S. ANF-MACHS, Korangi, Karachi, proceeded to the main road near Murtaza Chowrangi, Korangi and reached there at about 4:00 pm where they noticed a person standing in front of Data Darbar Hotel on a motorcycle bearing registration No.KLM-0842 holding a blue-coloured plastic shopper in his right hand. On the pointation of the spy informer, the complainant party apprehended the said person, who disclosed his name as Shabbir son of Rasheed Ahmed. Upon inquiry, he disclosed that the blue-coloured shopper contained heroin powder. On checking, the shopper was found to contain heroin powder wrapped in a *momi theli*, which

along with its wrapping was weighed and found to be 441 grams. The complainant thereafter arrested the accused, prepared memo of arrest and recovery and sealed the recovered narcotic substance at the spot in presence of mashirs HC Abdul Shakoor and PC Rana Imran. Subsequently, the complainant party brought the accused and recovered the recovered property at P.S. where a case vide FIR No.83 of 2022 was registered.

3. Following registration of FIR, the investigation was carried out and in due course in statements of the witnesses were recorded, the recovered narcotic substance was subjected to chemical examination and after completing the usual investigation, the challan was submitted before the Court of competent jurisdiction, whereby the appellant was sent up to face the trial.

4. Upon being formally charged, the appellant pleaded not guilty and claimed trial. At trial, the prosecution has examined four witnesses namely, complainant Inspector Abdul Rasheed Dahri as PW.1 at Ex.6, HC Abdul Shakoor (mashir of arrest and recovery) as PW.2 at Ex.7, ASI Shan Ali Jakhrani, who has transported the representative sample to the laboratory, as PW.3 at Ex.8 and ASI Qasim (Malkhana Moharrir) as PW.4 at Ex.9. All of them have exhibited relevant documents in their evidence and were subjected to cross-examination by the defence. Thereafter, the prosecution closed its side through a statement at Ex.10. In his statement under Section 342, Cr.P.C. at Ex.13, the appellant denied the allegations imputed upon him by the prosecution, professed his innocence and claimed false implication. He specifically denied recovery of any narcotic substance from his possession and asserted that he had been picked up from Model Colony and subsequently implicated in the present case. He, however, neither opted to make a statement on oath under Section 340(2), Cr.P.C. nor produced any witness in his defence.

5. Upon culmination of the trial, the learned trial Court, after hearing learned counsel for the appellant and the learned prosecutor and upon appraisal of the evidence available on record found the appellant guilty of the offence charged with and thus convicted and sentenced him in the manner as detailed in para-1 (supra), which necessitated the filing of the listed appeal.

6. It is contended on behalf of the appellant that he is innocent and has been falsely implicated in this present case due to mala fide intentions and

ulterior motives as he has no connection whatsoever with the alleged offence and the narcotic substance in question is foisted upon him. It is next submitted that the complainant himself conducted the investigation of the case, which is contrary to the settled principles of natural justice and undermines the fairness and impartiality of the investigation. On this premise, she sought acquittal of the appellant by placing reliance upon the case of *Abdul Raheem and another v The State* (2026 SCMR 1516), wherein the accused were extended the benefit of doubt. It is also submitted that the mandatory safeguards contemplated under Section 103, Cr.P.C. were not observed as no independent private person was associated with the alleged recovery proceedings. She also pointed out that neither was any video recording of the alleged arrest and recovery made nor were the call detail records (CDRs) collected to independently substantiate the appellant's presence at the place of occurrence or the genuineness of the alleged recovery proceedings. It is argued that the appellant in his statement under Section 342, Cr.P.C. has categorically denied possession of or recovery of heroin powder from him whereas the prosecution has failed to bring on record any independent or corroborative material establishing his alleged connection with drug dealers. The learned counsel has also drew our attention to a discrepancy concerning the colour of the *theli* containing the heroin powder and submitted that such inconsistency further undermines the credibility of the prosecution version. She maintained that the learned trial Court has failed to properly appreciate the material discrepancies, omissions and legal infirmities appearing in the prosecution evidence and without undertaking an objective assessment of the same proceeded to record a conviction that is not sustainable in law. She, therefore, prayed for acceptance of the appeal, setting aside of the impugned judgment and acquittal of the appellant by extending him the benefit of doubt. In support of her submissions, the learned counsel has relied upon the cases of *Muhammad Saddique v The State* (2011 YLR 2261), *Murad Ali v The State* 2017 YLR 1292, *Nazeer Ahmed v The State* (PLD 2009 Karachi 191), *Zahid Sarfaraz Gill v The State* (2024 SCMR 934), *Alam Khan v The State* (2026 SCMR 1830), *Mst. Sabran Bibi v The State* (2026 SCMR 703), *Farman Ali and another v The State* (2025 SCMR 1730) and *Mir Hammal v The State* (2023 P.Cr.L.J. 449).

7. Conversely, the learned Special Prosecutor, ANF has vehemently opposed the appeal and supported the impugned judgment contending that the prosecution has successfully established the charge against the

appellant through cogent, consistent and unimpeached evidence. It is next submitted that the prosecution has satisfactorily proved the recovery of the narcotic substance from the conscious possession of the appellant and has also established an unbroken chain of safe custody and safe transmission of the representative sample to the office of the chemical examiner. According to him, the evidence of the complainant, mashir, courier witness and Malkhana Moharrir read in conjunction with the documentary evidence sufficiently establishes the recovery as well as the integrity of the case property and representative sample throughout the relevant period. With regard to the objection that the complainant himself investigated the case, the learned Special Prosecutor has submitted that no legal bar prohibits a complainant from conducting the investigation of a case and that such circumstance does not render the investigation illegal or vitiate the prosecution case particularly in the absence of any demonstrated prejudice to the accused. In support of this contention, he has placed reliance upon the case reported as 2026 SCMR 1553 *(Fakhar Abbas v The State and others)* wherein the earlier precedents reported as PLD 1997 SC 408 *(Advocate General Sindh v Bashir and others)* and 2008 SCMR 1254 *(Zafar v The State)* were reaffirmed recognizing that investigation conducted by the complainant is not *per se* impermissible in law or sufficient to discard the prosecution case. He, therefore, contended that the learned trial Court has rightly appreciated the evidence and returned a finding of guilt in accordance with law warranting no interference by this Court. He, therefore, prayed for dismissal of appeal.

8. We have heard learned counsel for the appellant and the learned Special Prosecutor, ANF and have carefully examined the entire evidence available on record with their assistance.

9. The prosecution case primarily rests upon the ocular account furnished by PW.1 complainant Inspector Abdul Rasheed Dahri, which finds material corroboration from PW.2 HC Abdul Shakoor, the mashir of arrest and recovery. Complainant while appearing before the learned trial Court has categorically deposed that on 05.10.2022 while present at P.S. he received spy information that a notorious narcotics seller, Salahuddin, would arrive on motorcycle bearing registration No.KLM-0842 to deliver huge quantity of narcotic to his customers through his companion Shabbir. Acting upon such information and under the directions of his superior officers, he constituted a raiding party comprising HC Abdul Shakoor, PC Rana Imran, driver Ghulam

Hussain, and other ANF officials and departed from P.S. at 3:30 pm vide roznamcha Entry No.8 (Ex.6/A) and reached Murtaza Chowrangi at about 4:00 pm where the appellant was spotted riding the aforesaid motorcycle in front of Data Darbar Hotel. On the pointation of spy informer, the appellant was apprehended and a blue-coloured plastic shopper in his possession was checked, which was found to contain heroin powder. He has further explained that private persons available at the place of occurrence were requested to act as mashirs, however, they declined to associate themselves with the proceedings, therefore, the recovery proceedings were conducted in the presence of official witnesses, HC Abdul Shakoor and PC Rana Imran. The recovered substance was weighed along with its shopper and found to be 441 grams, out of which a representative sample weighing 10 grams was separated, placed in a brown envelope and sealed separately for chemical examination whereas the remaining narcotic substance was secured separately in a white cloth parcel. He has further deposed that the appellant was arrested at the spot and his motorcycle was also taken into possession whereas an amount of Rs.2,500/- was recovered during his personal search from the pocket of his trouser and after completing the necessary formalities at spot, they returned to P.S. where arrival entry was recorded vide roznamcha Entry No.9 (Ex.6/A) and the formal FIR was lodged, available at Ex.6/C.

10. The account furnished by the complainant finds substantial corroboration from the testimony of PW-2, HC Abdul Shakoor, who was a member of the raiding party and an eye-witness to the entire proceedings including the apprehension of the appellant, recovery of heroin powder from his possession, preparation of the memo of arrest and recovery and sealing of the recovered substance at the spot. He has fully supported the complainant's version on all material particulars of the occurrence and has also identified and affirmed his signature on the memo of arrest and recovery, which was produced in evidence as Ex.6/B. A careful scrutiny of his cross-examination reveals that nothing material has been extracted to discredit his presence at the place of occurrence, shake the credibility of his account or suggest that the proceedings relating to apprehension and recovery were fabricated.

11. It is well-settled that the testimony of an official witness is to be evaluated on the same principles and standards as the evidence of any other witness. Mere fact that a witness belongs to the police or any other law-

enforcement agency or that the prosecution case is supported by official witnesses alone does not constitute a valid ground for discarding otherwise trustworthy and confidence inspiring evidence. The absence of private witnesses by itself does not render the prosecution case doubtful particularly where the official witnesses have given a consistent and plausible account of the occurrence and their evidence withstands the test of cross-examination. In this regard, reliance may well be made to the case of *Zain Ali v The State* (2023 SCMR 1669), wherein it was reiterated that the evidence of official witnesses cannot be discarded merely on account of their official status or want of corroboration from independent witnesses rather its worth must be determined by examining its intrinsic credibility, consistency and overall reliability. Applying this settled principle to the evidence available on record, we find that the complainant and mashir have corroborated each other on all material aspects of the prosecution case and no material contradiction, omission or inherent improbability has been brought to our notice which could adversely affect the credibility of their testimony. Equally, there is nothing on record to indicate that either the complainant or the mashir was inimically disposed towards the appellant or had any previous enmity, ill-will or ulterior motive to falsely implicate him in a serious offence of narcotics trafficking. Their evidence is natural, confidence inspiring and consistent with the documentary proceedings. We, therefore, find no justifiable reason to discard their testimony, which provides reliable and sufficient support to the prosecution case.

12. The objection regarding non-association of private persons with the recovery proceedings is equally devoid of substance. PW.1 complainant Inspector Abdul Rasheed has specifically explained that private persons present at the place of occurrence were requested to participate as mashirs, but they declined to do so. Their unwillingness to associate themselves with the proceedings cannot in the circumstances be attributed to the prosecution as a deliberate omission or treated as sufficient to nullify an otherwise credible recovery. Moreover, the alleged recovery was effected by ANF officials during the performance of their official duties and their evidence cannot be discarded merely because independent private persons were not available as mashirs. The material consideration is whether the official witnesses have given a trustworthy account of the recovery and whether their testimony is supported by the contemporaneous documentary evidence. We find both requirements satisfied in the present case.

13. The defence objection that no video recording was made or CDRs were collected to establish the appellant's presence at the place of occurrence does not advance its case. The prosecution was required to establish the charge through legally admissible and reliable evidence, it was not under an obligation to produce every conceivable form of corroborative material particularly when the occurrence itself was witnessed by the members of the raiding party whose evidence has withstood scrutiny. The absence of video recording or CDRs without anything more does not create a reasonable doubt in an otherwise established case. Similarly, the plea of the appellant that he was picked up from Model Colony and falsely implicated in this case has remained a bare assertion unsupported by any independent material. Although the appellant was not required to prove his innocence, the prosecution evidence when assessed as a whole sufficiently establishes the circumstances of his apprehension and recovery.

14. Most significant aspect of the prosecution case is the proof of safe custody of case property and safe transmission of the representative sample to the laboratory. In this regard, the prosecution has produced a complete and consistent chain of evidence. Complainant in his evidence has deposed that after returning to P.S. he handed over the sealed case property, representative sample, personal search articles and motorcycle to PW.4 ASI Qasim Ali, the Malkhana In-charge, for keeping the same in safe custody. PW.4 ASI Qasim Ali has corroborated this assertion and produced the relevant entry of Register No.XIX bearing Mad No.180, available at Ex.9/B, which records the deposit of the case property in the Malkhana. This documentary record lends assurance to the testimony of the complainant regarding the deposit and subsequent custody of the recovered substance. There is nothing on record to suggest that the sealed parcel was tampered with, substituted or otherwise interfered with while remaining in the custody of the Malkhana In-charge.

15. The prosecution has further established the safe transmission of the representative sample through the testimony of PW.3 ASI Shan Ali Jakhrani, who while appearing before the learned trial Court has deposed that on 06.10.2022, the sample parcel was taken out of the Malkhana by the Malkhana In-charge ASI Qasim Ali and handed over to him for onward delivery to the Sindh Chemical Laboratory, Karachi. This witness has stated that he left P.S. at about 1:00 pm vide roznamcha Entry No.5 and after depositing the sample parcel at the office of the chemical examiner returned

to P.S. at about 3:00 pm vide roznamcha Entry No.9, whereupon he handed over the receiving receipt to Inspector Abdul Rasheed Dahri. In support of his deposition, he has produced the relevant roznamcha Entries Nos.5 and 9 at Ex.8/A, and the road certificate at Ex.8/B. His testimony, therefore, establishes not only the movement of the sample parcel from the Malkhana to the laboratory but also the official documentation accompanying its dispatch and delivery.

16. The foregoing evidence finds further and decisive corroboration from the chemical examination report produced in evidence at Ex.6/E. The report expressly records receipt of the representative sample on 06.10.2022 under Memorandum No.FIR No.83/2022/ANF/PS-II/2022-1653 dated 06.10.2022 forwarded by the Inspector/I.O. through ASI Shan Ali Jakhrani. Upon examination, the submitted sample was identified as containing heroin. The date of dispatch, the identity of the carrier and the corresponding laboratory receipt are consistent with the account furnished by PW.3 ASI Shan Ali Jakhrani and the documentary record produced by the prosecution. Thus, the chemical examination report independently confirms that the sample dispatched through the official channel was received by the laboratory and was found to contain heroin. Significantly, the sample was transmitted to the laboratory on the very next day of the recovery, thereby leaving no unexplained interval between its deposit in the Malkhana and its dispatch for chemical examination. When the evidence of PW.1 complainant Inspector Abdul Rasheed, PW.3 ASI Shan Ali Jakhrani and PW.4 ASI Qasim Ali is read conjointly with the relevant roznamcha entries, Register No.XIX, road certificate and chemical examination report, an unbroken chain of custody emerges. The prosecution has satisfactorily established the recovery and sealing of the narcotic substance at the spot, its subsequent deposit in the Malkhana, its removal therefrom for chemical examination and its delivery and deposit to the laboratory in the course of official duty. No material discrepancy or omission has been identified in this chain which could reasonably suggest tampering, substitution or mishandling of the representative sample. Mere denial of recovery by the appellant in the absence of any circumstance undermining the prosecution's documentary and oral evidence cannot displace this otherwise consistent chain of evidence. We are, therefore, satisfied that the prosecution has successfully established both the safe custody of the recovered substance and the safe transmission of its representative sample to the office of chemical examiner.

17. The objection raised by learned counsel for the appellant that the complainant could not have investigated the case himself is misconceived. It is settled law that there is no legal bar against the complainant acting as the investigating officer nor does mere combination of these roles render the investigation illegal or the prosecution case doubtful. Although learned counsel has relied upon *Raham Gul's* case (supra), the legal position stands clarified by the Hon'ble Supreme Court in *Fakhar Abbas v The State* and others (2026 SCMR 1553), wherein while considering *Raham Gul's* case, reliance was placed upon the larger bench judgment in *Advocate General Sindh v Bashir and others* (PLD 1997 SC 408) as well as 2008 SCMR 1254. It was held that the testimony of a police officer or investigating officer is to be assessed on the same principles as that of any other witness and cannot be discarded merely on account of his official position. The only requirement is that such evidence particularly regarding recovery proceedings must be scrutinized with due care. In the case in hand, the recovery proceedings are independently supported by the mashir's testimony, Malkhana record, evidence of the official who transported the sample and the chemical examination report. The defence has failed to establish any manipulation, mala fide or prejudice resulting from the complainant conducting the investigation. Consequently, mere fact that the complainant also acted as the investigating officer furnishes no legal ground to discredit the prosecution evidence. The objection is, therefore, devoid of merit and is accordingly repelled.

18. As regards the alleged discrepancy concerning the colour of the wrapping material containing the narcotic substance, we have examined the contention in the context of the entire prosecution evidence. The defence has not demonstrated that the alleged variation relates to the identity, quantity or integrity of the recovered substance or that it has resulted in any uncertainty regarding the representative sample examined by the chemical laboratory. A discrepancy, to be fatal to the prosecution case, must be material in nature and must have the effect of creating a reasonable doubt about the occurrence or the identity of the recovered property. A minor variation in the description of the wrapping material without any corresponding evidence of substitution or tampering cannot be elevated to the status of a material contradiction so as to discard an otherwise consistent account of recovery. The chemical examination report read with the evidence concerning sealing and transmission further reinforces the identity of the representative sample.

19. We are mindful of the settled principle that the prosecution must establish its case beyond reasonable doubt and that even a single circumstance creating a reasonable doubt in the mind of a prudent person is sufficient to entitle an accused to its benefit as a matter of right and not as a matter of concession, however, such benefit cannot be extended on the basis of fanciful possibilities, conjectures or objections which have no reasonable foundation in the evidence. In the case in hand, the prosecution has produced a coherent account of recovery, supported by consistent ocular testimony, duly supported by documentary evidence. The chain of custody and safe transmission of the representative sample have also been established through independent stages of official custody and documentary corroboration. The defence has failed to identify any material contradiction, inherent improbability or circumstance of such a nature as to create a reasonable doubt regarding the recovery or the identity of the narcotic substance.

20. Upon an overall appraisal of the evidence, we find that the prosecution has successfully established that the appellant was apprehended while riding motorcycle No.KLM-0842 and that 441 grams of heroin powder was recovered from the shopper in his possession. The recovery proceedings stand corroborated by the mashir, while the safe custody and transmission of the representative sample stand established through the evidence of the Malkhana In-charge and the carrier, supported by the relevant documentary record and the positive chemical examination report. The findings recorded by the learned trial Court are based on a proper appreciation of the evidence and do not suffer from any misreading or non-reading of material evidence warranting interference by this Court. We, therefore, find no merit in the contentions advanced on behalf of the appellant and hold that the prosecution has proved its case against him beyond reasonable doubt. Insofar as the case law cited by the learned counsel for the appellant, in support of her submissions, in our humble view, the facts and circumstances of the said cases are distinct and different from the present case, therefore, none of the precedents cited by the learned counsel are helpful to the appellant. The appeal in hand is, therefore, dismissed and the conviction and sentence awarded to the appellant through judgment dated 21.08.2026, impugned herein, are maintained.

JUDGE

JUDGE

Naeem /PA