

JUDGMENT SHEET
IN THE HIGH COURT OF BALOCHISTAN, QUETTA.

Criminal Bail Application No.156 of 2025
(CC #100107804328)

Sikandar Hayat
Vs.
The State,
through Collector Customs (Appraisalment) Taftan.

ORDER

Date of hearing: 25.11.2025 Announced on _____

Applicant by: Mr. Jameel Ramzan Dehwar, Advocate.

State by: Mr. Qutub Khan Miankhail, Special Prosecutor, Customs.

Sardar Ahmad Haleemi, J.- This order disposes of Criminal Bail Application No.156 of 2025 filed by the applicant/accused Sikandar Hayat s/o Shah Dost in case FIR No.05-2025/TFN/APP/2025, dated 21st October, 2025, registered under Sections 6, 7, 8 & 9(3) of the Control of Narcotic Substances Act, 1997, read with Rule 2(xvi) further read with Schedule-II of the Control of Narcotic Substances (Regulation of Drugs of Abuse, Controlled Chemicals, Equipment and Materials) Rules, 2001, issued vide SRO 808(I)/2000 dated 26.11.2001 under Section 77 of the CNSA, 1997 (as amended). The FIR was lodged at the Custom House, Taftan, alleging recovery of 11,160,000 Methadone Hydrochloride tablets from Container No.INKU-6704293 and the alleged arrest of the applicant from the NLC Border Terminal.

2. The applicant/accused was arrested on the spot and subsequently remanded to judicial custody. The investigating agency claims to have

recovered from the applicant a key to the container's padlock, which is stated to contain the tablets. After completion of the investigation, the challan was submitted before the learned Additional Sessions Judge, Dalbandin (hereinafter referred to as "**the trial Court**").

3. The applicant/accused earlier filed Criminal Bail Application No.111/2025 before the trial Court, which was dismissed vide order dated 06.11.2025. Hence, the instant bail application.

4. We have heard the learned counsel for the parties and perused the available record.

5. As per the contents of crime report No.05-2025/TFN/APP/2025, the alleged medicines were imported from Iran and brought to the Customs Appraisal, Taftan, for clearance, after the assessment and payment of applicable taxes; thus, the container containing the alleged medicines was parked within the NLC Border Terminal, Taftan. The prosecution alleged that the applicant/accused, a daily-wage labourer, was seen shifting medicine cartons from the container into an unregistered Toyota Corolla, and that the recovery of a key from his possession connects him to the alleged narcotics consignment. However, the record further reflects that the applicant/accused was merely performing labour work on the directions of the absconding co-accused Asim, and that he had no knowledge or consciousness of the alleged material contents contained in the cartons. Surprisingly, the crime report did not disclose the name of the consignment owner, nor did it state whether the driver of the vehicle had been arrested or even nominated, nor did it bring on record any ownership documents,

transport papers, or relevant custody/possession details. Such omission creates a significant dent in the prosecution's case, particularly when the applicant is a labor with no proprietary or custodial connection to the consignment. More importantly, the Chemical Examiner/Federal Government Analyst report has not yet been received to conclusively establish that the seized tablets actually contain Methadone Hydrochloride or any other psychotropic substance as defined under the Act. In the absence of an FLS report, the nature, classification, and even the quantity of the alleged narcotics cannot be conclusively determined. Whether the recovered items fall within Schedule-I of the Controlled Substances or constitute a small quantity within the meaning of Section 2(k) of the CNS Act remains unverified at this stage. Reliance in this regard is placed on Da Yong Wu v. The State (2021 P Cr.L.J 1882) and Mairajuddin v. The State (2023 P Cr.L.J 282), wherein the absence of an FSL report was held to bring the matter within the ambit of further inquiry under Section 497(2) Cr.P.C.

6. At the bail stage, deeper appreciation of evidence is unwarranted; however, tentative assessment of the available material demonstrates that the questions of (i) conscious possession, (ii) knowledge of the alleged substance, (iii) absence of independent corroboration, and (iv) non-association of owner/driver or production of ownership documents, (v) the applicant's limited role as daily-wages labourer, and (vi) non-availability of the FSL report, collectively render the prosecution story doubtful at this stage. All these facts and circumstances squarely place

the applicant's case within the ambit of further inquiry under Section 497(2) Cr.P.C.

For these reasons, Criminal Bail Application No.156 of 2025 is hereby allowed. The applicant/accused Sikandar Hayat s/o Shah Dost is admitted to bail in FIR No.05-2025/TFN/APP/2025, Custom House Taftan, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) and a P.R. bond in the like amount to the satisfaction of the Additional Registrar of this Court or the trial Court.

The observations made herein are tentative in nature and shall not prejudice the case of either party during trial.

Announced in open Court
Quetta, on _____ December, 2025

Judge

Judge.