

THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Muhammad Hashim Khan Kakar

Mr. Justice Ishtiaq Ibrahim

Mr. Justice Ali Baqar Najafi

Criminal Appeal No. 621/2022

*(Against the judgment dated 30.05.2019
passed by the Hon'ble Islamabad High
Court, Islamabad in Criminal Appeal No.
94/2019)*

Muhammad Shahid Khan

...Appellant(s)

VERSUS

The State thr. A.G. Islamabad

...Respondent(s)

For the Appellant(s) : Mr. Aftab Alam Yasir, ASC

For the State : Mr. Abdul Khaliq Thind, ASC State Counsel
a/w Mr. Sana Ullah Tareen, SI

Date of hearing : 21.08.2025

JUDGMENT

Ishtiaq Ibrahim, J.- Through the instant appeal, Muhammad Shahid Khan, the appellant, has questioned the judgment dated 30.05.2019, passed by the learned Islamabad High Court, Islamabad whereby conviction of the appellant, recorded under section 9(b) of the Control of Narcotics Substances Act, 1997, "**Act of 1997**", in case FIR No. 405 dated 04.11.2017, registered at police station *Tarnol*, Islamabad, by the learned Sessions Judge / Judge Special Court (CNSA), Islamabad (West), was maintained, however, his sentence of one year and four months imprisonment was reduced to eight months rigorous imprisonment and the fine from Rs. 11,000/- to Rs. 5,000/-.

2. Arguments of the learned counsel for the appellant and learned AAG heard and impugned judgment gone through.

3. Record shows that after serving out the sentence, the appellant has been released from jail. Learned counsel for the appellant stressed for arguing the case on merits as the appellant is a public servant / Police Constable.

4. Perusal of the record reveals that sufficient evidence has been led by the prosecution to prove the recovery of 150 gram of heroin from immediate possession of the appellant. Yaseen Ali, SI (PW-3) and Muhammad Ameen (PW-2), witness to the recovery memo, have furnished ocular-account of the incident. Both are consistent with each other on the day, date, time and place of occurrence as well as mode and manner of the arrest of the appellant and recovery from his possession. The prosecution has also proved the safe transmission of the sample from the spot to the police station and then to Punjab Forensic Science Agency (PFSA). Positive report of PFSA (Exb.PE) regarding the sample further supplements the prosecution's case. The learned High Court has aptly dealt with the factual and legal aspects of the case and has already taken a lenient view by reducing the sentence of the appellant. The impugned judgement being well reasoned and based on proper appreciation of evidence is not open to any interference by this Court. Accordingly, this appeal is dismissed.

Islamabad

21.08.2025

M. Saad/

NOT APPROVED FOR REPORTING