

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Mr. Justice Athar Minallah
Mr. Justice Irfan Saadat Khan
Mr. Justice Malik Shahzad Ahmad Khan

Jail Petition No.486/2022

Against the judgment dated
04.08.2022 of the High Court of
Balochistan, Quetta passed in Crl.
(CNS) JA 19/2022

Rifatullah

...Petitioner(s)

VERSUS

The State

...Respondent(s)

For the Petitioner(s):

Syed Iqbal Hussain Shah Gillani, ASC
Syed Rifaqat Hussain Shah, AOR

For the State:

Nemo

Date of Hearing:

11.04.2025

O R D E R

Athar Minallah, J.- The petitioner has sought leave against the judgment dated 04.08.2022. The petitioner was nominated in crime report No. 145/2021 under section 9(c) of Narcotic Substances Act, 1997 registered at Pakistan Coast Guard, Uthal. He was alleged to have in his possession a substantial quantity of narcotics substance while travelling on public transport. He was searched and the narcotics substance was recovered from his possession. The samples were separated in accordance with the law laid down by this Court and pursuant thereto report under section 173, Cr.P.C was submitted after completing the investigation. The Trial Court, upon conclusion of the trial, convicted and sentenced the petitioner to suffer R.I for life with fine of Rs.100,000/- or in default thereof to suffer further S.I for a period of six months with benefit of section 382-B Cr. P.C. The petitioner assailed his conviction and sentence before

the High Court and his appeal was dismissed vide impugned judgment dated 04.08.2022.

2. We have heard the learned counsel for the petitioner at considerable length and have also perused the record with his able assistance.

3. The petitioner was arrested after a substantial quantity of narcotics was recovered from his possession. The recovery was proved by the prosecution by producing witnesses who had deposed regarding the recovery. The safe custody of the recovered narcotic substance, and the samples which were separated therefrom, was also proved by producing reliable evidence. The evidence regarding the safe transmission was also free from doubt. The prosecution had proved its case beyond a reasonable doubt and the testimonies of the witnesses have been found to be consistent in all material facts. They are reliable, trustworthy and confidence-inspiring. The concurrent findings by the Trial Court and the High Court on the basis of appraisal of the evidence are unexceptionable and do not require any interference. The learned counsel for the petitioner was not able to point out any jurisdictional error or mis-reading and nor-reading of evidence nor that concurrent findings suffer from any legal infirmity. He also could not persuade us that a question of law has arisen for our consideration. In the circumstances, we are not inclined to grant leave. Leave is, therefore, refused and the petition is accordingly dismissed.