

Form No.HCJD/C-121  
ORDER SHEET

ISLAMABAD HIGH COURT  
ISLAMABAD

Crl. Misc. No. 55/2020

AMJAD KHAN.

Versus

THE STATE.

Sr.No. of order/ Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
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27.02.2020

Mr. Mudasir Latif Abbasi, Advocate for petitioner.  
Mr. Tariq Mehmood Khokar, Additional Advocate General.  
Mr. Saqlain Haider Awan, learned AAG.  
Mr. Wajid Qureshi, S.O, Ministry of Law.  
Mr. Shahid Zafar, Special Prosecutor, ANF.  
Kh. Faizan, S.I.

Through instant petition, Petitioner Amjad Khan son of Muhammad Hassan Khan, seeks bail after arrest under section 497 Cr.P.C, in case FIR No.209/2018, dated 21.12.2018, for offence under section 9-C CNSA, registered at Police Station, ANF/RD North Rawalpindi.

2. Facts of the case are that the Petitioner was arrested along with co-accused, on spy information, from the area near Tehzeb Bakery, G-9 Markaz, Islamabad, and upon personal search 1120 grams Ice Amphetamine, wrapped in a black shopper sealed with solution tape, was recovered from his shoulder bag. The petitioner has earlier filed bail application bearing No. Criminal Misc. 111-B/2019, before of this Court, whereby, the Hon'ble Division Bench was pleased to dismiss the same, vide order dated 05.03.2019, with the direction to the learned Trial Court to conclude the trial within a period of six (06) months. However, due to unavailability of the learned Judge Special

Court, the trial of the Petitioner could not be concluded.

3. Learned Counsel for the Petitioner submitted that the Petitioner is arrested since 21.12.2018, whereas, charge was framed on 11.04.2019. Learned Counsel pleaded that under the circumstances the Petitioner is entitled for bail due to delay in conclusion of trial and placed reliance on the case law reported as, **“Riasat Ali vs. Ghulam Muhammad, etc” (PLD 1968 SC 353), “Himesh Khan vs. The National Accountability Bureau (NAB), Lahore” (2015 SCMR 1092), “Jamal Ud Din alias Zubair Khan vs. The State” (2012 SCMR 573) and Syed Aminullah vs. State” (PLJ 2019 Cr.C. 87 (DB) [Balochistan High Court, Quetta].**

4. During the pendency of instant petition Ministry of Law & Justice, Government of Pakistan, vide notification dated 26.02.2020 has appointed an Additional District and Sessions Judge as Judge Special Court (Control of Narcotic Substances), Islamabad, therefore, now the grievance of unavailability/vacancy of the Special Court is addressed and, therefore, the Petitioner can pursue the trial before the appropriate Court, without any further delay.

5. In view of the above the bail application of the Petitioner is disposed of with the direction to the learned Trial Court to proceed with the matter and conclude the trial within a period of two (02) months from the date of receipt of this order, positively.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

**(LUBNA SALEEM PERVEZ)**  
**JUDGE**