

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Criminal Misc. No.856-B/2020**  
**Mst. Noor Jahan**  
**Versus**  
**The State**

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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<b>28.07.2020</b>	<b>Mr. Rashad-ul-Musawar, Advocate for the petitioner. Mr. Hasnain Haider Thaheem, learned State Counsel with Munir Khan, SI, P.S. Golra Sharif.</b>
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**FIAZ AHMAD ANJUM JANDRAN, J.** Through this Crl. Misc. petition, petitioner (Mst. Noor Jahan) seeks post arrest bail in FIR No.310, dated 08.06.2020, registered under Section 9-C of the Control of Narcotics Substances Act, 1997, at Police Station Golra Sharif, Islamabad.

2. Brief facts as stated in the FIR are that petitioner was arrested on 08.06.2020 from the area of Green-Belt, Railway Station, Golra Sharif, Islamabad, on the basis of spy information and on search, 1200 grams heroin was recovered from her possession.

3. Learned counsel for the petitioner contends that the prosecution story is false, frivolous and concocted; that nothing was recovered from the possession of the petitioner; that petitioner is a 85 years' old lady having multiple diseases including weak eyesight; that as per Rule 4 of CNS (Government Analysis) Rules, 2001 sample was not sent to the chemical examiner for analysis within 72 hours; that no private witness had been associated with the recovery proceedings despite the fact that the contraband was allegedly recovered from thickly

populated area; that the petitioner is previously non-convict, is behind the bars since arrest; that investigation is complete and petitioner is no more required for further probe; therefore, she is entitled to the concession bail. Learned counsel fortified his submissions by placing reliance upon case laws reported as 2017 SCMR 279, and 1997 SCMR 947;

4. Conversely, learned State Counsel contends that the petitioner is nominated in the FIR, arrested at the spot with huge quantity of contraband; that petitioner is habitual offender and was previously convicted in three identical cases, therefore, not entitled to the concession of bail.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner is a habitual offender, previously involved and convicted in following cases of like nature, details of which is as under:-

Sr. No.	FIR NO.	DATED	OFFENCE	RECOVERED	REMARKS
1	154	07.3.09	9-B, CNSA,	410 Grams Heroin	Convicted and sentenced vide judgment dated 17.12.09 to the period already undergone with one year probation.
2	226	09.10.10	9-C, CNSA	110 Grams Heroin	Convicted and sentenced vide judgment dated 30.9.10 to the period already undergone.
3	352	25.12.11	9-C, CNSA	2-Kg Charas	Convicted and sentenced vide judgment dated 31.7.12 for a period of two years and fine

					of Rs.20,000/- in default further undergo for two months.
4	19	29.01.10	9-B, CNSA	205 grams heroin	Pending
5	71	15.02.18	9-C, CNSA	1080 Grams heroin	Pending
6	547	26.12.18	9-B,CNSA	250 Grams heroin	Pending
7	355	03/8/19	9-B,CNSA	1115 grams heroin	Pending

7. In view of above criminal history, particularly conviction in three narcotics cases from the Court of competent jurisdiction is a fact which goes against the present petitioner.

8. The record further signifies that 1200 grams “heroin” was recovered from the possession of the petitioner which entails death punishment, life imprisonment or imprisonment up to 14 years, falls within the prohibitory clause of Section 497 Cr.P.C. Therefore, in such type of cases, no concession could be extended to the petitioner/accused.

9. In view of above, petitioner is not entitled to the concession of post arrest bail. Therefore, instant post arrest bail petition is **dismissed**. However, the petitioner has a legitimate right that her case is to be decided as early as possible, therefore, while relying upon case law reported as **“2011 SCMR 1332 (Rehmatullah and another Vs. the State)”**, the learned Trial Court is directed to conclude the trial within a period of **two months** after receipt of order of this Court under intimation to this Court.

10. The Police Authorities are directed to produce all the witnesses on the next date of hearing to ensure speedy conclusion of the trial.

(FIAZ AHMAD ANJUM JANDRAN)  
JUDGE

(MOHSIN AKHTAR KAYANI)  
JUDGE

A.R.ANSARI