

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

Crl.Misc. No.964-B/2020  
Faridoon  
**Versus**  
The State and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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**01.10.2020**

**Mr. Laiq Khan, Advocate for the petitioner**  
**Mr. Hasnain Haider, learned State Counsel with Shahid S.I.**

Through the instant criminal miscellaneous petition, the petitioner, Faridoon, seeks bail after-arrest in case F.I.R. No.389, dated 26.06.2020, registered under Section 9-C of the Control of Narcotic Substances Act, 1997 ("C.N.S.A.") at Police Station Tarnol, Islamabad.

2. Vide order dated 17.08.2020, the petitioner's petition for bail after-arrest was dismissed by the Court of the learned Additional Sessions Judge/Judge Special Court (C.N.S.) Islamabad.

3. Learned counsel for the petitioner, after reading the contents of the F.I.R., submitted that the petitioner has been falsely implicated in the case; that F.I.R. No.416 under Section 9-C was lodged against the petitioner's brother while F.I.R. No.417 under Section 9-C was registered against the petitioner's nephew; that the malafide of the local police is apparent from the contents of all the said F.I.Rs.; that there had been no recovery made from the person of the petitioner; and that no private witness was associated in the recovery process. Learned counsel for the petitioner prayed for the bail petition to be allowed and for the petitioner to be released on bail.

4. On the other hand, learned State Counsel submitted that the petitioner was caught red handed with a huge quantity of *charas* and *heroin* weighing

1597 grams and 1250 grams respectively which were recovered from his possession; that given the said quantity of narcotic substance recovered from the petitioner, the case against him is not a border-line one; and that the sample of the narcotic substance recovered from the petitioner has already been sent for chemical examination and the report is positive. Learned State Counsel prayed for the bail petition to be dismissed.

5. We have heard the contentions of the learned counsel for the contesting parties and perused the record with their able assistance.

6. The prosecution story as alleged in the F.I.R. is that on 26.06.2020, at about 08:10 p.m., Teepu Sultan S.I. along with other police personnel were on patrol duty at *Chungi* No.26 Bus Stop. The accused/petitioner got off the Toyota Hiace coming from Peshawar. On seeing the police party, the petitioner tried to escape but was overpowered by the police and two packets, one of *charas* weighing 1597 grams and another of heroin weighing 1250 grams were recovered from his possession.

7. The record shows that the petitioner has been nominated in the F.I.R. with specific role of carrying *charas* weighing 1597 grams and 1250 grams heroin. The petitioner was arrested from the spot on 26.06.2020. The total quantity of the narcotic substance recovered from the petitioner does not make the instant case into a borderline one. Furthermore, we have been given no reason to believe that the police officials had any grudge or ill-will against the petitioner. Since the quantity of narcotic substance involved in this case is *charas* weighing 1597 grams and 1250 grams *heroin*, we are not inclined to grant post-arrest bail to the petitioner.

8. Taking a tentative assessment of the available record, the accused/petitioner is, *prima-facie*, connected with the commission of alleged offence, and is thus not entitled to the concession of bail. The bail petition, being bereft of any merits, stands dismissed accordingly. The observations made hereinabove are tentative in nature, and shall have no impact on the merits of the case before the Trial Court.

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(LUBNA SALEEM PERVEZ)  
JUDGE

(MIANGUL HASSAN AURANGZEB)  
JUDGE

Qamar Khan\*