

**ORDER SHEET**  
**ISLAMABAD HIGH COURT, ISLAMABAD**  
**(JUDICIAL DEPARTMENT)**

**Criminal Misc. No.928-B/2020**

Jawad Ali  
*Versus*  
The State and another

S.No. of order/ proceeding	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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31.08.2020	Mr. Ghulam Farooq Awan, Advocate for the petitioner. Dr. Waseem Ahmed Qureshi, Special Prosecutor, A.N.F. Sheraz Sadiq, Inspector, A.N.F.
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**GHULAM AZAM QAMBRANI, J.:-** The petitioner (Jawad Ali S/o Wali Muhammad) seeks post arrest bail in case F.I.R No.165 dated 03.08.2019 under Sections 9-C/15 of the Control of Narcotic Substances Act, 1997, registered with Police Station A.N.F/ RD, North, Rawalpindi.

2. On the complaint of respondent No.2, above F.I.R was registered against the petitioner, wherein it was alleged that petitioner was apprehended with narcotic substances, as there was spy information regarding the truck arriving in Islamabad. It was submitted that petitioner was riding in the truck where-from, narcotic substance i.e. opium weighing about 26.400 Kilogram, was recovered.

3. The petitioner had applied for bail after arrest before the learned Special Judge- ANF, Islamabad,

which was dismissed vide order dated 30.09.2019, thereafter the petitioner filed bail after arrest before this Court bearing Crl. Misc No.749/19 which was also dismissed vide order dated 14.01.2020. The petitioner also moved Crl. Petition No.85 /2020 before the Hon'ble Supreme Court of Pakistan which had been disposed of vide order dated 11.02.2020, with a direction to the petitioner to move his bail petition before the learned Special Judge-ANF, Islamabad. The petitioner moved second bail petition before the learned Special Judge- ANF Islamabad, which met the same fate vide order dated 09.07.2020 hence, the instant petition.

4. Learned counsel for the petitioner, *inter alia*, contended that since the date of arrest, the petitioner is behind the bars; that the challan has been submitted before the learned trial Court but despite the lapse of one year, trial has not yet been concluded; that as per case of the prosecution 02 kilogram opium was allegedly got recovered at the pointation of the petitioner so he can only be held responsible for the said recovery of 02 Kilogram opium and he cannot be held responsible for th whole quantity and placed reliance on **PLD 2009 Lahore 362**; that the petitioner is entitled for grant of bail, on statutory ground.

5. On the other hand, learned special prosecutor A.N.F vehemently opposed the bail petition contending that on five dates of hearings, learned counsel for the petitioner was not present; that heavy quantity of 26.400 Kilogram Opium has been recovered from the petitioner, therefore, he is not entitled for the grant of bail.

6. We have heard the learned counsel for the parties and have perused the record with their able assistance.

7. From perusal of record, it reveals that the petitioner is involved in an offence under Section 9-C/15 of CNSA, and as per contents of the F.I.R, the petitioner has been apprehended with narcotics substances weighing 26.400 kilogram. Challan has been submitted before the learned trial Court; charge has been framed against the petitioner on 06.01.2020; there are six PWs in total. As per learned Special Prosecutor- ANF, on five dates of hearing, learned counsel for the accused was not present. As far as the contention raised by learned counsel for petitioner that only 02-kilogram opium was allegedly got recovered on the pointation of the petitioner therefore, he can be held responsible for the recovery of only 02-kilogram, the same can only be

determined by the learned trial Court after recording prosecution evidence.

8. Keeping in view the facts and circumstances narrated above, the instant bail petition is hereby **dismissed** with a direction to the learned trial Court to conclude the trial within a period of four months of receipt of this order.

**(AAMER FAROOQ)**  
**JUDGE**

**(GHULAM AZAM QAMBRANI)**  
**JUDGE** 

*Rana M. If. \**