

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

**Criminal Misc. No.816-B/2020**  
**Muhammad Shareef**  
**Vs**  
**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>13.07.2020</b>	<b>Sardar Waqas Naseer, Advocate for the petitioner. Mr. Hasnain Haider Thaheem, learned State Counsel with Mumtaz Baig, SI, P.S. Koral.</b>
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**FIAZ AHMAD ANJUM JANDRAN, J.** Through this Crl. Misc. petition, petitioner (Muhammad Shareef) seeks bail after arrest in FIR No.98, dated 23.02.2020, registered under Section 9-C of Control of Narcotics Substances Act, 1997, at Police Station Koral, Islamabad.

2. Brief facts as stated in the FIR are that petitioner was arrested on 23.02.2019 at Bank Stop Alipur, on spy information and on search 2700 grams charas was recovered from his possession.

3. Learned counsel for the petitioner contends that the petitioner is first offender having no previous history of any criminal nature; that alleged recovery is fake and he is behind the bars since 27.02.2020, therefore, is entitled to the concession of bail.

4. Conversely, learned State Counsel contends that the petitioner is nominated in the FIR, arrested at the spot with huge quantity of contraband; that report of chemical examiner is positive, therefore, not entitled to the concession of bail.

5. Arguments heard, record perused.

6. Perusal of record reveals that 2700 grams “charas” was recovered from the possession of the petitioner which falls within the ambit of prohibitory clause of Section 497 of Cr.P.C and entails death punishment, life imprisonment or imprisonment up to 14 years. Therefore, in such type of cases, no concession could be extended to the petitioner/accused.

7. The sample was sent on 27.02.2020 for chemical analysis and the report of the Chemical Examiner confirms that the recovered substance was Charas that, too, goes against the petitioner.

8. Moreover, the challan has been submitted and the trial is in progress.

9. In view of above, the 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 his 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. Due to prevailing situation of COVID-19 pandemic, the learned Trial Court shall arrange video link facility to the accused for earlier conclusion of the trial without wastage of time for their production before the Court from Adyala Jail, Rawalpindi which is not possible in the present situation.

**11. 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) (MOHSIN AKHTAR KAYAN)  
JUDGE JUDGE**

**A.R.ANSARI**