

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

Criminal Misc. No. 1056-B/2020  
Babar Shahzad  
Versus  
The State

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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15.10.2020	Mr. Muhammad Shahzad Anwar, Advocate for petitioner. Dr. Waseem Ahmad Qureshi, Special Prosecutor with Hassan Feroz SI, PS RD ANF, North,
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**FIAZ AHMAD ANJUM JANDRAN, J.** Through the instant petition under Section 497 Cr.P.C, petitioner (*Babar Shahzad*) seeks post-arrest bail in F.I.R No 73, dated 07.09.2020, registered under Section 9-C and 15 of the Control of Narcotics Substances Act, 1997, and Section 13 of the Pakistan Arms Ordinance, 1965, at Police Station A.N.F/RD North, Rawalpindi.

2. According to the allegations set-forth in the FIR, on 07.09.2020, Gohar Nabi Baig, Inspector A.N.F along with other officials was present at Attock Petrol Pump, T-Chowk, G.T. Road, Islamabad when he received spy information that drug paddler Bilal Zareen along with a companion Babar Shahzad (*petitioner*) is going to deliver huge quantity of narcotics to his customers. On said information, at about 19:00 hours, they reached at the spot and intercepted a motorcycle and on being questioned, the riders, disclosed their names as Bilal Zareen and Babar Shahzad (*petitioner*). On personal search of Bilal Zareen, charas weighing 1200 grams and .30 bore pistol along with seven bullets were recovered while on

personal search of petitioner 1200 grams charas was recovered. Bilal Zareen, co-accused was riding the motorcycle while petitioner was sitting on the rear seat, hence the instant F.I.R.

3. Learned counsel for the petitioner contends that the prosecution story is false, frivolous and concocted one; that nothing was recovered from the possession of the petitioner and he has been involved due to ulterior motives; that petitioner was neither driver nor owner of the said motorcycle; that investigation is complete and petitioner is no more required for further investigation and is behind the bars since his arrest, therefore, entitled for the concession of bail. Learned counsel fortified his submissions by placing reliance upon case laws reported in 2010 YLR 2258; and 2011 YLR 2349.

4. Conversely, learned Special Prosecutor A.N.F, has contended that huge quantity of narcotics substance was recovered from the petitioner, therefore, he is not entitled to the concession of bail.

5. Arguments heard, record perused.

6. The quantity i.e. 1200 grams charas, allegedly recovered from the possession of the petitioner marginally exceeds 1-Kg which brings the case within the ambit of a borderline case . In such like cases, Hon'ble Supreme Court of Pakistan granted bail on the basis of borderline criteria and in this respect reliance is placed on 2020 SCMR 350 (Aya Khan and another v. The State) and another judgment reported as PLJ 2018 SC 812 (Saeed Ahmed v. The state etc), wherein 1350 grams substance was recovered which

marginally exceeds 1-Kg and the benefit of bail was extended to the accused.

7. The petitioner is previous non-convict and this fact has been testified by the learned Prosecutor, therefore, being first offender, considering the quantity of narcotics substance recovered, his case is considered for grant of concession of bail.

8. Consequently, for what has been discussed above, the instant bail petition is allowed, petitioner (Babar Shahzad) is admitted to post-arrest bail subject to furnishing of bail bonds in the sum of Rs.100,000/- (Rupees One Lakh) with one surety in the like amount to the satisfaction of the learned Trial Court.

9. Needless to mention that this is tentative assessment for the purpose of this petition only, which shall not affect/influence trial of this case in any manner.

(MOHSIN AKHTAR KAYANI) (FIAZ AHMAD ANJUM JANDRAN)  
JUDGE JUDGE

Imran