

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,
JUDICIAL DEPARTMENT.

Cr.Misc. (B.A) No. 2558-P/2021.

Irfan Ali...versus... The State

ORDER

Date of hearing.....17.09.2021.....

Petitioner(s) by:- Malik Nasru Minallah, Advocate.

State by:- Mr. Waqas Khan Chamkani, Spl. Prosecutor ANF.

ROOH-UL-AMIN KHAN, J:- Petitioner, Irfan Ali son of Mohammad Sadiq, seeks his release on bail in case FIR No. 48 dated 7.6.2021 under section 9(c) Control of Narcotic Substances Act, Police Station ANF, Peshawar.

2. According to FIR on 7.6.2021 at 1.00 hours Inspector Sami Ullah alongwith other ANF officials was busy in checking the luggage of the passengers at Bacha Khan International Airport of flight No. SR-I from Peshawar to Doha, when received information from his high ups about trafficking of heroin by a passenger namely, Irfan Ali (the petitioner) r/o Mandi Bahauddin, Punjab. On search of bags of the petitioner, heroin powder cleverly mixed in the rubber covers pasted at the bottom of the bags, were recovered. The FIR was registered against the petitioner, while the rubber covers were extracted from the carry bags and sent to the FSL for identification, extraction and quantification of heroin

mixed in the rubber sheets. The Laboratory after applying the extraction method separated 987 grams heroin from rubber sheet in parcel No.1 while 889 grams heroin from the 2nd sheet, with a positive report.

3. Having heard the arguments of learned counsel for petitioner and Special Prosecutor ANF, record perused which reveals that the accused/petitioner is the permanent resident of Mandi Baha Ud Din selected a flight for Doha and onward to Italy from Bacha Khan International Airport Peshawar. During boarding process the ANF authorities on having secrete information got busted him and on search of two trolly bags recovered suspected drugs soaked in a rubber type material total weighing 08 kgs. The rubber sheets were extracted from each trolley bag and transmitted to the FSL for identification, extraction and quantification of heroin in each rubber sheet (parcel No.1 and Parcel No.2) each weighing 4 kgs. The above sheets were chemically processed in the FSL and heroin substance was extracted from both the sheets to the extent of 987 and 889 grams respectively total 1896 grams. The above said recovery has been effected from two different trolly bags in personal possession of the accused, whereas during investigation he has been found as a member of National Drug Trafficking Organization, working for drug carrier at national level. The ANF authorities have also sent a request for cancellation of the NIC, passport and Visa of the petitioner to the concerned authorities. The petitioner has been apprehended at the airport at international departure section

where he was about to fly for Doha and onward to Italy. The act of the petitioner is not only against the society but also earning a bad name to the country at international level. Besides, challan in the case is complete and trial has to commence shortly. At this stage the petitioner having involved in a heinous offence does not deserve the concession of bail.

4. For what has been discussed above, prima facie, reasonable grounds exist to show the involvement of the accused/petitioner in the commission of a heinous offence, therefore, the instant bail application, having no merits is hereby dismissed.

Announced on;
17th of September, 2021
Zarshad

SENIOR PUISNE JUDGE

(SB) Mr. Justice Rooh Ul Amin Khan