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REGISTERED  
No. CrI.P.1297/2017- SCJ  
SUPREME COURT OF PAKISTAN  
Islamabad, 26 Jan 2018

From The Registrar,  
Supreme Court of Pakistan.  
Islamabad.

To ✓ The Registrar,  
Peshawar High Court.  
Peshawar.

Subject: CRIMINAL PETITION NO. 1297 OF 2017  
  
Zaib Khan  
Versus  
The State

Peshawar High Court Peshawar	
Receipt No	1297/18
Date:	10/1/18
1- MIT	11- PSO
2- Dir (HRC)	7- DEA
3- Dir (ReG)	8- DIT
4- Dir (HR.W)	9- AR(U)
5- DPD	10- AR(G)

On appeal from the Judgment/Order of the Peshawar High Court,  
Peshawar dated 20/10/2017 in CrI.Misc.B.A.No.2218-P/2017 in case  
FIR No.591/2017 dated 14/09/2017 registered at Police Station Rustam,  
District Mardan

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment  
of this Court dated 08/01/2018 dismissing as not pressed the above cited case in the  
terms stated therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure  
immediately.

Encl: Order/Judgment:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)  
ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR



**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

**MR. JUSTICE MANZOOR AHMAD MALIK**  
**MR. JUSTICE SARDAR TARIQ MASOOD**

**Crl. Petition No. 1297 of 2017**

(Against the order of the Peshawar High Court Peshawar dated  
20.10.2017 passed in Cr.Misc/BA No. 2218-P of 2017)

Zaib Khan

... Petitioner(s)

**VERSUS**

The State

... Respondent(s)

For the Petitioner(s)

: Mr. Gohar Ali Khan, ASC  
Mr. M.S. Khattak, AOR

For the State

Mr. Zahid Yousaf Qureshi, Addl. PG KPK  
Muhammad Qayyum, Inspector

Date of hearing

: 08.01.2018

**ORDER**

**MANZOOR AHMAD MALIK, J. -** Crl. M.A. No. 2152

of 2017: For reasons mentioned in the application, the same is  
allowed and delay in filing the criminal petition is condoned.

2. Impugned herein is the order dated 20.10.2017  
whereby bail was refused to the petitioner by the learned Peshawar  
High Court, Peshawar in case FIR No. 591 dated 14.09.2017,  
offence under section 9(c) of the Control of Narcotic Substances  
Act, 1997, registered at P.S. Rustam District Mardan.

3. After hearing the learned counsel for the petitioner,  
learned Law Officer and perusal of available record, it has been  
observed by us that petitioner was allegedly apprehended while  
selling the narcotics and 3020 grams of Charas was recovered from

**ATTESTED**



**Court Associate**  
**Supreme Court of Pakistan**  
**Islamabad**

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1972-1973  
1974-1975  
1976-1977

his possession. Therefore, the case against the petitioner squarely falls within the prohibitory clause. Learned counsel for the petitioner referred to the judgment of this Court reported in Para Din and others v. The State (2016 SCMR 806) to argue that it is clear from the FIR that Charas allegedly recovered from the petitioner was in pieces and the police failed to take sample from each piece, therefore, the case against the petitioner is one of further enquiry. We are afraid the afore-referred judgment of this Court is distinguishable as in that judgment, the conviction/sentence of the appellant was challenged, whereas through the instant petition, the petitioner is asking for bail after arrest and the ratio declared in Ameer Zeb v. the State (PLD 2012 SC 380) is not applicable at bail stage as already held in the case reported as Socha Gul v. The State (2015 SCMR 1077).

4. For the foregoing, this petition having no merit is dismissed and leave to appeal is refused.

*Mansoor Ahmad Malik, Sd/-, J*  
*Sardar Tariq Masood, Sd/-, J*

Certified to be True Copy



*[Signature]*  
 Court Associate  
 Supreme Court of Pakistan  
 Islamabad

OFFICE OF THE SECRETARY

DEPARTMENT OF THE ARMY  
WASHINGTON, D. C.

