

## **JUDGMENT SHEET**

### **PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

#### **JUDICIAL DEPARTMENT**

**Cr.Misc.B.A.No.438-A/2017**

#### **JUDGMENT**

*Date of hearing.....11-07-2017.....*

*Petitioner (s)... (Muhammad Afzaal) by Mr. Muhammad Faisal Munir Khan, Advocate.....*

*Respondent (s)..... (The State) by Ms. Amina Imam, Advocate.....*

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#### **SYED MUHAMMAD ATTIQUE SHAH, J.-**

Muhammad Afzaal, accused-petitioner, seeks his post arrest bail in case FIR No.130 dated 27.03.2017, under section 9-C Control of Narcotic Substances Act, 1997 registered at Police Station Khan Pur, Haripur.

2. The allegation against the accused-petitioner is that on 27.03.2017 at 1200 hours, he was found in possession of 5000 grams of 'charas' and 260 grams of heroin, kept in a plastic sack carrying by him in his hand at 'Link Road Pind Gakhra Usman Khattar'.

3. Arguments of the learned counsel for the parties heard and record perused with their able assistance.

4. The perusal of the record transpires that a huge quantity of contraband '*chars*' and 'heroin' was recovered from personal possession of the accused/petitioner, which, *prima facie*, connects the petitioner with the commission of offence falling within the prohibition contained in section 497 of Criminal Procedure Code, 1898. Moreover, there is also past history of the accused/petitioner regarding his indulgence in such like offences, which suggests that he is a habitual offender. Similarly, the report of Forensic Science Laboratory, Peshawar regarding the '*chars*' and heroin' recovered from possession of accused-petitioner is also in positive. Keeping in view the above stated facts and circumstances of the case in hand, the present accused/petitioner failed to make out any *prima facie* case for his release on bail, therefore, this Court is not inclined to exercise its discretion to release the accused/petitioner on bail at this stage.

5. The observations rendered hereinabove, would not affect the mind of the trial Court in any manner whatsoever, during trial of the case.

6. Accordingly, this bail application of the accused/petitioner is rejected. However, the learned trial Court is directed to proceed with the trial expeditiously, in accordance with law.

**Dt.11-07-2017.**

**J U D G E**

**M.Saleem/\***