

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.1205 of 2019**

*(Against order dated 24.09.2019 passed by the  
Peshawar High Court Peshawar in Crl. Appeal  
No.946-P of 2018)*

***Asmat Ali***

*...Petitioner(s)*

**Versus**

***The State***

*...Respondent(s)*

For the Petitioner(s):

Mr. M. Amjad Iqbal, ASC  
Syed Rifaqat Hussain Shah, AOR

For the State:

Mr. Arshad Hussain Yousafzai, ASC

Date of hearing:

04.05.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** During an haul up, Asmat Ali, petitioner, on the wheel of truck bearing No.Kohat-C-1417 was intercepted by a contingent of Police Station Cantt. Kohat; 9600 grams of contraband, forensically confirmed as cannabis, recovered from the tool box of the vehicle; learned trial Judge vide judgment dated 24.10.2018 returned a guilty verdict; convicted under section 9 (c) of the Control of Narcotic Substances Act, 1997, he was sentenced to 10-years RI with a fine of Rs.100,000/-, upheld by the High Court vide impugned judgment dated 24.09.2019, *vires* whereof, are being assailed on a variety of grounds.

2. Heard.

3. We have examined the statements of recovery witnesses i.e. Muhammad Ali, SHO (PW-1) and Anwar Ali Head Constable/Incharge Check Post (PW-2); they are in tune with each other with no apparent motive to hound the petitioner on a trump up charge; substantial quantity of the contraband rules out a manipulated recovery. Petitioner, in his bid to disproof the charge, admitted most parts of the transaction on the eventful day except for an obvious denial regarding

the contraband; appearance of his defence witness Diswar Ali (DW-1) on behalf of the Assistant Commissioner District Lower Orakzai to suggest exit of the vehicle on 7.10.2017 from Boya Check Post fails to contradict petitioner's interception at the check post. On the contrary, petitioner's own statement on oath, obliquely confirmed by his witness, puts him in the saddle. Alleged insufficiency of "*protocol*" mentioned in the forensic report is beside the mark; it conclusively establishes the narcotic character of the substance with sufficient details regarding the test carried out. Conclusions concurrently drawn by the courts below, being in accord with the principles of safe administration of criminal justice, do not call for interference. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
4<sup>th</sup> May, 2020  
Not approved for reporting  
Azmat/-