

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Justice Muhammad Hashim Khan Kakar
Justice Ishtiaq Ibrahim

Criminal Petition No. 239/2025

(Against the order/judgment dated 17.02.2025
passed by the Islamabad High Court, Islamabad
in CrI. Misc. No. 265/2025)

Ndukwe Udoka Peter

Petitioner(s)

Versus

The State and another

Respondent(s)

For the Petitioner(s):

Raja Rizwan Abbasi, ASC
Syed Rifaqat Hussain Shah, AOR

For the State:

Ms. Chand Bibi, DPG
Mr. Ishaq, SI

Date of Hearing:

15.04.2025

JUDGMENT

Muhammad Hashim Khan Kakar, J. Through this petition for leave to appeal under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner, Ndukwe Udoka Peter, has challenged the order dated 17.02.2025 passed by the Islamabad High Court whereby his petition for post arrest bail was dismissed.

2. The petitioner was arrested on 08.01.2025 by the Islamabad Police at G-10 Markaz, Islamabad pursuant to spy information indicating his involvement in narcotics trafficking. At the time of arrest, 680 grams of heroin was allegedly recovered from his possession.

3. We have reviewed the available record and heard learned counsel for the parties. Our findings indicate that, despite the existence of spy information, no independent witness was present to witness the purported recovery and no video was produced to substantiate the allegation of the narcotics being recovered from the petitioner's possession. In addition to the petitioner's detention, his companion was also apprehended on the

same charges. The learned counsel in support of his contention also placed on record the CCTV footage and photographs in this matter. This case warrants judicial scrutiny for the purpose of determining bail due to its distinctive facts and circumstances. The petitioner's consistent allegations of false implication, alleged prior harassment, confiscation of CCTV evidence, absence of independent witnesses and the prompt filing of complaints before senior police officials suggest that this is a case that warrants further investigation. Moreover, the quantity recovered, although substantial, does not reach commercial levels and was not conducted in the presence of neutral witnesses or substantiated by any video evidence.

4. In view of the above, this petition is converted into an appeal and allowed by setting aside the impugned order. The petitioner is granted bail subject to the provision of bail bonds in the sum of Rs.200,000/- with one surety in the like amount to the satisfaction of the Trial Court as the present case qualifies as an exception under the proviso to section 497 (2) Cr.P.C.

ISLAMABAD

15.04.2025

(Farrukh/Mahnoor Omer LC)

Approved for Reporting