

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

**PRESENT:**

Mr. Justice Manzoor Ahmad Malik  
Mr. Justice Syed Mansoor Ali Shah  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Appeals No.17-P & 18-P/2013**

*(against the judgment dated 24.7.2007 passed by the Peshawar High Court, Peshawar in CrI.As.599/2006).*

***The State***

(in both cases)  
...Appellant(s)

**VERSUS**

***Imran Nazir***  
***Muhammad Yousaf***

(CrI.A.17-P/2013)  
(CrI.A.18-P/2013)  
...Respondent(s)

For the Appellant(s) : Mr.Muhammad Tariq Khan, ASC

For the Respondent(s) : N.R

Date of Hearing : 29.04.2019

**Judgment**

**Qazi Muhammad Amin Ahmed, J.-** Arisen out of the same backdrop with a common thread, the captioned appeals are being decided through this single judgment. Way back on 30.6.2004, Anti Narcotics Force, Peshawar on a tip off intercepted a Punjab bound truck bearing registration No.PRC-6168. Upon search, 2800 kilograms of *charas* was recovered from secret cavities of the vehicle; the respondents were apprehended and sent to face trial before the learned Judge, Special Court (CNS), Peshawar; they were returned a guilty verdict under Section 9 (c) of the Control of Narcotics Substances Act, 1997 and sentenced to imprisonment for life along side fine of Rs.500,000/- or to undergo five years S.I. in the event of default with benefit of Section 382-B of the Code of Criminal Procedure. The vehicle was forfeited in favour of the State. A learned division bench of the Peshawar High Court vide impugned judgment dated 24.7.2007 acquitted the respondents from the charge vires whereof are being challenged through leave of the Court on the ground that there was no occasion for the learned High Court to acquit the respondents

merely on the ground that the prosecution witnesses failed to point out as to who was on the wheel when ANF contingent surprised them.

2. A huge quantity of contraband notwithstanding we have not been able to take exception to the view taken by the learned High Court inasmuch as in the presence of two individuals in the cabin it was incumbent upon the witnesses to unambiguously point out the person on the vehicle in order to establish conscious possession of the seized stuff and in the face of wavering positions taken by the prosecution itself, respondents cannot be denied the benefit of the doubt, a golden thread in our criminal jurisprudence. We do not feel inclined to interfere with the impugned judgment, however the forfeiture of vehicle impounded by the ANF is kept intact. Appeals are dismissed.

JUDGE

JUDGE

JUDGE

Islamabad, the  
29<sup>th</sup> of April, 2019  
Ghulam Raza/\*