IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.606 of 2020

(Against the judgment dated 15.05.2020 passed by the Peshawar High Court Peshawar in Cr.M.BA. No.1276-P/2020)

Dad Khan

...Petitioner(s)

<u>Versus</u>

The State

....Respondent(s)

For the Petitioner(s): Ms. Neelam A. Khan, ASC

For the State: Raja Inaam Ameen Minhas,

Special Prosecutor, ANF along with Shamim

Raza, SI

Date of hearing: 31.08.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- An Anti Narcotic Force contingent, on a tip off, intercepted Rahem Taj accused in the departure lounge of Bacha Khan International Airport, while boarding a Saudi Arabia bound flight with a substantial quantity of Methamphetamine, a lethal narcotic substance. As the investigation progressed, the petitioner was taken on board as being part of the cartel behind the consignment; he had allegedly booked a room in a local hotel where the accused, three in number, stayed the night preceding the flight and it was on account of this overnight stay that the investigating officer held him privy to the crime alongside others.

- 2. Heard.
- 3. We have examined the available record that depicts the petitioner to have booked a room in a local hotel wherein the three accused statedly stayed together. The learned Law Officer for the Anti Narcotic Force has not been able to point out any material to confirm presence of the principal accused with the petitioner except for latter's statement recorded during custody nor there is any data available with the prosecution to

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establish petitioner's presence at or around the airport before departure of the flight, therefore, for the present, petitioner's culpability as an abettor, aiding the crime in association with the principal offender, within the contemplation of section 14 of the Control of Narcotic Substances Act, 1997 so as to attract the bar provided under section 51 thereof, warrants further probe; a case for his release on bail stands made out. Criminal Petition No.606 of 2020 is converted into appeal and allowed; petitioner/appellant shall be released on bail on furnishing bond in the sum of Rs.500,000/-with one surety in the like amount to the satisfaction of the learned trial Court/duty Judge.

Judge

Judge

Islamabad, the 31st August, 2020 Not approved for reporting Azmat/-