

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

**PRESENT:**

MR. JUSTICE MUSHIR ALAM  
MR. JUSTICE SARDAR TARIQ MASOOD  
MR. JUSTICE AMIN-UD-DIN KHAN

**CRIMINAL PETITION NO.390-L OF 2021**

Against the order dated 25.02.2021 passed by Lahore  
High Court, Lahore in CrI.Misc.-6413B/2021

Muhammad Qasim, etc ...Petitioner(s)

**VERSUS**

The State, etc ...Respondent(s)

For the Petitioner(s): Mr. Rashad Javid Lodhi, ASC

For the State: Mr. M. Usman, DPG Pb.  
M. Rafique, ASI  
Syed Ali Sibtain, Drug Inspector  
Ali Raza, IO

On Court call: Mr. Sajid Ilyas Bhatti, Addl. AGP  
Rana Arif Kamal Noon, PG Pb.  
Mr. Naveed Anwar, Drug Controller Rwp.

Date of Hearing: 11.06.2021

**ORDER**

**MUSHIR ALAM, J.—** From the record, it appears that there is some confusion and even the matter has been adjourned a number of time to seek assistance from the learned Attorney General for Pakistan as well as the learned Advocate General concerned as regard the regulatory framework for the alternate medicines, it is recorded with great concern and utmost dismay that neither the learned Additional Attorney General nor the concerned Advocate General or even the team of officers in attendance are clear in their minds as to how the alternate medicines are properly brought into regulatory framework and they vaguely are concerned as to manufacturing and import of such alternate medicines. When inquired as to whether such dispensers (*Pensaris*) and their sale points are registered?, more specifically inquired about such outlets situated at Abpara Market in

Islamabad, which is a common sight, it is stated that they are neither enlisted nor inspected to their knowledge. They have put the responsibility on the task force constituted and comprises of selected officers from all the Provinces. None of the officers present in Court are aware of the responsibility as to who regulates such alternate medicines.

2. As regard the above matter, we direct the office to make a separate file, register it as Suo Motu Case and place the same before the Honourable Chief Justice for placing the same before an appropriate Bench to consider the regulatory framework for such alternate medicines, their dispensation either in raw form or in the form of finishing products so as to ensure that people are not haunted for being looted and harmed. There appears to be no awareness amongst the persons involved in dealing with such products at different levels.

3. Coming to the merits of the instant bail matter. It appears that the petitioners, Muhammad Qasim and Khurram Shahzad sons of Anwar-u-Haq, seek bail in Crime No.950/2020 dated 03.10.2020, for the offences under Sections 23 & 27 of the Drugs Act, 1976, Section 27-2 of the DRAP Act, 2012 and Section 109 PPC, registered at Police Station Toba Tek Singh, on the allegation of their involvement in manufacturing/stocking and selling the drugs/therapeutic goods in violation of the laws of the land.

4. Heard. Record perused.

5. Although the learned prosecutor states that the medicines in question fall within the definition of alternate medicines within contemplation of Section 2(ii) of the DRAP Act, 2012, yet the principal accused, Israr Ahmed has since been conceded bail.

6. Having gone through the available record, we find that the present petitioners are still on the better footing, therefore, following the rule of consistency, the petitioners are also conceded to bail subject to furnishing of solvent surety bonds to the tune of Rs.100,000/- (rupees one hundred thousand) each with one surety each to the satisfaction of the learned Trial Court.

7. Needless to state that any observation contained in this order is of tentative nature and the learned Trial Court shall decide the main case in accordance with law without being influenced from any observation contained therein. The petitioners are directed to extend full co-operation with the prosecution/investigation and in the proceedings regularly and in case any misuse and abuse of concession of bail is found on their part, the learned Trial Court is at liberty to cancel the petitioners' bail.

8. The petition is converted into an appeal and allowed in the terms noted above.

Judge

Judge

Judge

ISLAMABAD  
11<sup>th</sup> June, 2021  
Mudassar/★

"Not approved for reporting"