

LIAQAT HUSSAIN---Petitioner

Versus

THE STATE---Respondent

Criminal Miscellaneous No.234-B of 2011, decided on 30th March, 2011.

The petitioner has been arrested in case vide F.I.R. No.179 registered at Police Station Kotli Sattian District Rawalpindi under section 9(c) of Control of Narcotic Substances Act, 1997 on 19-8-2010.

2. It is alleged in the F.I.R. that police detected the petitioner at a place in Koreena village and the petitioner ran away after throwing a polythene shopper. The police subsequently took into possession the shopper in question from which 1240 grams of charas was recovered. In addition to that another polythene shopper in which an amount of Rs.13,400 along with a termination certificate of the petitioner was also recovered by the police. The petitioner is stated to have been arrested on 28-1-2011 after about five months of the occurrence in question.

3. It is contended by the learned counsel for the petitioner that the arrest of the petitioner in the instant case has been effected on account of mala fides of the prosecution. It is further contended that the petitioner was involved in this case on false allegations and that there is a scope for further inquiry into the involvement of the petitioner as the shopper in question from which Charas in question was recovered by the police was found on a road and was not recovered from the person of the petitioner.

4. The learned D.P.-G. has opposed the arguments of the learned counsel for the petitioner on the ground that the petitioner ran away from the spot after throwing shopper in question; that there is direct allegation of his involvement in the prosecution, version put up in the F.I.R. It is further contended by the learned D.P.-G. that challan has been submitted in this case and the trial is in progress. The learned D.P.-G. has further referred to the fact that another F.I.R. under section 9(b) of C.N.S.A. 1997 dated 28-5-2010 has been registered against the petitioner. However he was not in possession of the said F.I.R. nor got the record of any conviction against the petitioner.

5. We have considered the arguments of the learned counsel for the parties.

6. Admittedly the petitioner was not present on the spot and he was not arrested when the alleged shopper in question of Charas was recovered by the police from a public road and the fact that it belongs to the petitioner establishing his involvement, is a case of further inquiry which will be determined at the trial. The petitioner has been sent up to judicial lock-up. He is no more required in this case. We consider it a fit case for extending the concession of bail to the petitioner directing his release subject to furnish local surety to the satisfaction of learned trial court in the sum of Rs.100,000 (Rupees one hundred thousand only) with one surety. The Criminal Miscellaneous is therefore allowed.

H.B.T./L-10/L

Bail granted.

