



is entailing capital punishment and is against the society; therefore, he is not entitled to be released on bail.

5. Heard and perused the record.

6. The offence with which the applicant is charged is an offence against society at large and is heinous in nature. Since the instant case involves huge quantity of narcotics and to have *criterion* for grant of bail in such like cases, it would be relevant to refer the case of Socha Gul v. State 2015 SCMR 1077 wherein it is *categorically* observed as:

*“8. It is pertinent to mention here that offences punishable under C.N.S Act of 1997 are by its **nature heinous** and considered to be the **offences against the society at large** and it is for this reason that the statute itself has provided a note of caution under section 51 of C.N.S Act of 1997 before enlarging an accused on bail in the ordinary course.”*

8. Here in this case, applicant was allegedly caught red handed and huge quantity of narcotic substance was recovered from him which offence carries punishment of death or imprisonment for life; that prosecution witnesses have fully supported the prosecution case and *prima facie* there has been placed nothing on record to establish any *mala fide* or serious *enmity* against such witnesses. In absence of *substantial* proof, the plea of *enmity* legally cannot be entertained at bail stage because such like *plea* is readily available but to make it *substantial* shall require proof, which, needless to add, could not be done at bail stage. With regard to the contention of the learned counsel for the applicant that no private person of the locality was associated as a witness or *mashir*, it would suffice to say that in view of section 25 of the Control of Narcotic Substances Act, 1997 the applicability of section 103, Cr.P.C. has been excluded in the cases of recovery of narcotics. The defects or irregularities could well be agitated but during trial and not at bail-stage. With regard to the claim of false implication, this issue cannot be attended without going beyond the barriers of tentative assessment, an exercise prohibited by law. In the case reported Noor Khan vs. The State (2021 SCMR 1212), the Hon'ble Apex Court declined bail to an accused from whom 1320 grams of cannabis was recovered by the police officials.

7. In the above circumstances, I do not find the applicant is entitled for bail at this stage of case. Accordingly, the bail plea is hereby dismissed.

8. The observations made hereinabove are tentative in nature and the trial court shall not be influenced with the same while deciding the case on merits.

JUDGE

Sajid