



is mentioned in category (ii). The punishments in relation thereto prescribed in clauses (a), (b) and (c) of Section 9 of the Act of 1997 have been changed and categorized according to categories (i) and (ii). An offence shall fall under Section 9(c), if the quantity of narcotic drug category (i) and (ii), psychotropic substance or controlled substance exceeds the limit specified in clause (b). An offence shall fall under clause (b), if the quantity of psychotropic substance or controlled substance or narcotic drug category (i) exceeds one hundred gram but does not exceed one kilogram, or if the quantity of narcotic drug category (ii) is fifty gram or less. In the present case, it is the case of the prosecution that allegedly 100 grams of heroin was recovered from the possession of the applicant, thus, the offence with which the applicant is charged is falling within the ambit of clause (c) of Section 9 of the Act. The punishment of the offence falling under clause (c) of Section 9 of the Act is death or imprisonment for life or imprisonment for a term which may extend to fourteen years. Honourable Supreme Court in the case of **Socha Gul v. The State (SCMR 2015 1077)**, has held that bail should be granted sparingly in narcotics cases keeping in mind Section 51 of the Control of Narcotic Substances Act, 1997, which provides a note of caution as well as the fact that the offence amounts to a crime against society. With regard to the non-association of private persons, Section 25 of the CNSA exempted their presence in narcotics cases even otherwise the evidence of police officials is as good as any other citizen. Record shows that the applicant has been booked in as much as three criminal cases under the same like offence, which *prima facie*, establishes that the applicant is prone to repeating the offence. The guilt or innocence of the applicant is yet to be established at trial and it is well settled that at bail stage only tentative assessment is to be undertaken and no deeper examination is permissible. Thus, tentative assessment of material available on record, *prima facie* leads to a conclusion that there are no *reasonable grounds* exist to believe that it is a case of further enquiry. The case law relied upon by the learned counsel for the applicant is distinguishable from the facts of instant case, hence is not applicable.

6. For the foregoing reasons, the bail application is dismissed. However, it is clarified that observations made in this order are tentative in nature and same shall not prejudice the case of either party. However, learned trial Court

is directed to conclude the trial of the subject case expeditiously within two months.

JUDGE

Sajid..