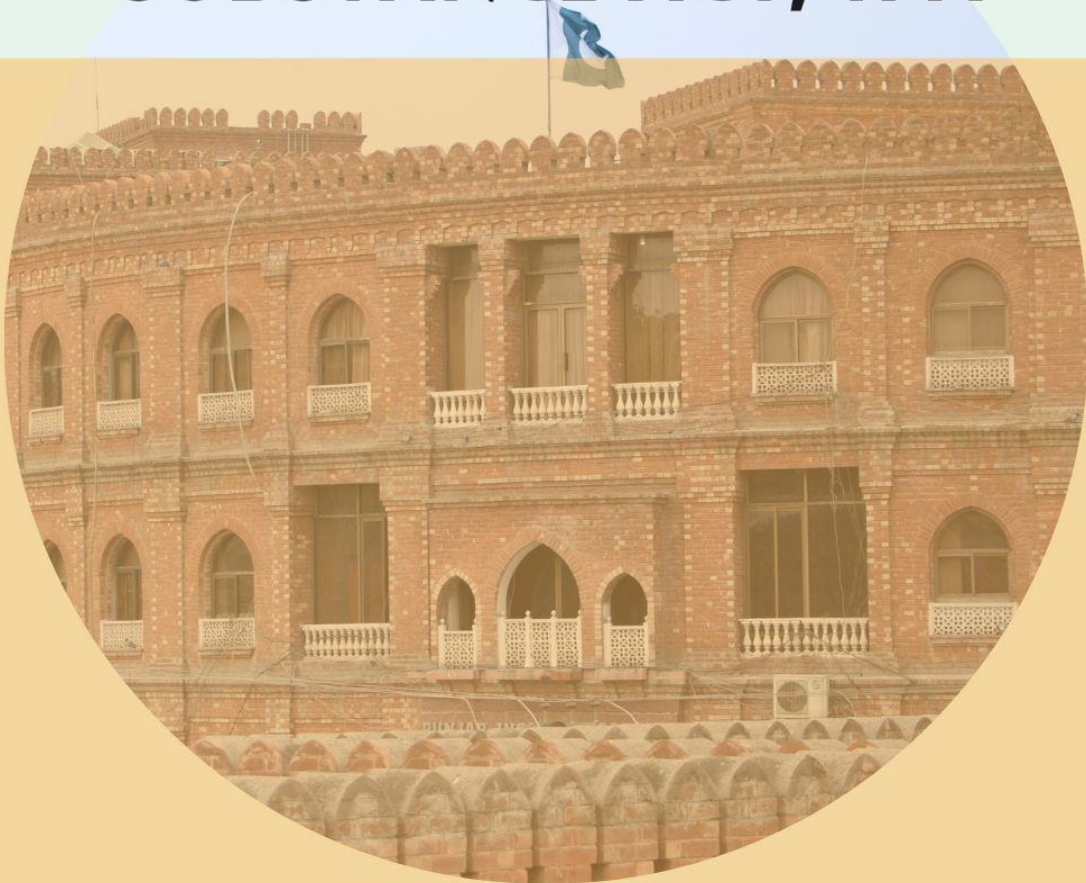




**HANDBOOK ON**  
**LATEST AMENDMENTS**  
**IN THE CONTROL OF NARCOTICS**  
**SUBSTANCE ACT, 1997**



**PUNJAB JUDICIAL ACADEMY**  
**15-FANE ROAD, LAHORE**



**PUNJAB JUDICIAL ACADEMY**

**HANDBOOK ON**

**Latest Amendments**

**In The Control of Narcotics  
Substance Act, 1997**

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## Foreword

Use of narcotics, not only in our country but all over the world, is one of the main threats for human race along with environmental problems, spread of different pandemics etc. Government of Pakistan and our other law making bodies/law makers are mindful of it and in order to handle this curse which is creating eminent danger to our social , economical and moral aspects of society has been upgrading legal framework i.e. law to handle it according to legal/judicial measures.

The basic law in Pakistan is The Control of Narcotics Substances Act, 1997 (Act XXV of 1997), "Act". The recent amendments which are basic and very important titled "The Control of Narcotics Substance (Amendment) Act, 2022" must be on the sleeve of every Judge in the District Judiciary. The Punjab Judicial Academy has made a booklet of comparative table showing the relevant provisions of the Act which have been inserted/amended as a ready reference to facilitate the learned trial judges of special courts to deal with narcotics cases. Hopefully it will facilitate the learned Trial Judges to properly understand and apply this law.

(Ashtar Abbas)

Acting Director General  
Punjab Judicial Academy

### Latest Amendments in The Control of Narcotics Substance Act, 1997

Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
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Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
<b>Preamble</b>	WHEREAS It is expedient to consolidate and amend the laws relating to narcotic drugs, psychotropic substances, and control the production, processing and trafficking of such drugs and substances;	Whereas, it is expedient to consolidate and amend the laws relating to narcotic drugs, <b>psychotropic substance, <u>controlled substance</u> and control the production, processing and trafficking of such drugs and <u>to provide for forfeiture of property derived from or used in illicit traffic in narcotic drugs, psychotropic substances and controlled substances and to implement the provisions of the international conventions on narcotic drugs, psychotropic substances and controlled substances.</u></b>
<b>Section 2</b>	<b>Clause (c)(iii)</b> Any association of persons, body of individuals, firm or private limited company within the meaning of <i>companies Ordinance, 1984 (XLVII of 1984)</i> , of which an accused is, or has, at the relevant time been a member, partner or director;	<b>Clause (c)(iii)</b> Any association of persons, body of individuals, firm or private limited company within the meaning of <b><u>Companies Act, 2017 (XIX of 2017) and the Limited Liability Partnership Act, 2017 (XV of 2017)</u></b> , of which an accused is, or has, at the relevant time been a member, partner or director;

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Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5th September, 2022 and came into force with immediate effect)</i>
Section 2	<p><b>Clause (d)(ii)</b></p> <p>The flowering or fruiting tops of the cannabis plant (excluding the seed and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated or known; and</p>	<p><b>Clause (d)(ii)</b></p> <p>The flowering or fruiting tops of the cannabis plant (excluding the seed and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated or known <b><u>and include all forms known as bhang, siddhi or ganja;</u></b> and</p>
Section 2	<p><b>Clause (k)</b></p> <p>“controlled substance” means any substance which may be used for the production or manufacture of narcotic drugs or psychotropic substance;</p>	<p><b>Clause (k)</b></p> <p>“controlled substance” means any substance <b><u>or which is declared to be a controlled substance and given in the Schedule – II pursuant to the provision of any international convention and by notification in the official gazette by the division concerned</u></b> which may be used for the production or manufacture of narcotic drugs or psychotropic substance;</p>
Section 2	<p>(o) “freezing” means prohibiting by an order made by the Special Court or an officer authorized under this Act the transfer, conversion, disposal or movement of any assets and includes the holding, controlling, assuming custody or managing any assets in pursuance of such order and, in the case of</p>	<p>After <b>Clause (o)</b> New Clauses (oa) &amp;(ob) are inserted:</p> <p><b><u>“(oa) “illicit traffic” in relation to narcotic drugs, psychotropic substances or controlled substances means—</u></b></p> <p>(i) <b><u>cultivating any coca plant or gathering any portion of cocoa plant;</u></b></p> <p>(ii) <b><u>cultivating the opium poppy or any cannabis plant or</u></b></p>

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	assets which are perishable the disposal thereof;	<p><u>gathering in any portion of opium poppy or cannabis plant;</u></p> <p>(iii) <u>engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import into Pakistan, export from Pakistan or transship any narcotic drugs or psychotropic substances or controlled substances;</u></p> <p>(iv) <u>dealing in any activities in narcotic drugs or psychotropic substances or controlled substances other than those referred to in sub-clauses (i) to (iii);</u></p> <p>(v) <u>handling or letting out any premises for the carrying on of any of the activities referred to in sub-clauses (i) to (iv);</u></p> <p>(vi) <u>financing directly or indirectly any of the aforementioned activities;</u></p> <p>(vii) <u>abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; or</u></p> <p>(viii) <u>harboring persons engaged in any of the aforementioned activities.;</u></p> <p><u>(ob) “international convention” means—</u></p> <p>(i) <u>the Single Convention on Narcotic Drugs done at New York on the 30th March, 1961, as amended by the 1972 Protocol done at Geneva on</u></p>



Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5th September, 2022 and came into force with immediate effect)</i>
		<p><u>the 25th March, 1972;</u></p> <p>(ii) <u>the Convention Against Psychotropic Substances done at Vienna on the 21st February, 1971;</u></p> <p>(iii) <u>the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th December, 1988; and</u></p> <p>(iv) <u>any other international convention to which Pakistan may become party in future relating in whole or in part to the control of drugs of abuse, controlled chemicals or controlled equipments;</u></p>
Section 2	<p><b>Clause (Za)</b></p> <p>“psychotropic substance” means the substances, specified in the <i>Schedule</i> to this Act and such substances as the Federal Government may, by notification in the official Gazette, declare to be a psychotropic substance;</p>	<p><b>Clause (Za)</b></p> <p>“psychotropic substance” means the substances, specified in the <u><i>Schedule – I</i></u> to this Act and such substances as the Federal Government may, by notification in the official Gazette, declare to be a psychotropic substance.</p>
Section 4	<p><b>Prohibition of cultivation of narcotic plants</b></p> <p>No one shall cultivate any cannabis plant, coca bush or opium poppy, or gather any portion of a cannabis plant, coca bush or opium poppy:</p>	<p><b>Prohibition of cultivation of narcotic plants</b></p> <p>No one shall cultivate <u><i>or let his land for cultivation or give possession for cultivation of</i></u> any cannabis plant, coca bush or opium poppy, or gather any portion of a cannabis plant, coca bush or opium poppy:</p>



Section Nos.	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5th September, 2022 and came into force with immediate effect)</i>
	<p>Provided that the Federal Government or a Provincial Government authorized by the Federal Government may, subject to such conditions as it may prescribe, permit under a licence cultivation or gathering of any such narcotic plant or any portion thereof exclusively for medical, scientific or industrial purposes.</p>	<p>Provided that the Federal Government or a Provincial Government authorized by the Federal Government may, subject to such conditions as it may prescribe, permit under a licence cultivation or gathering of any such narcotic plant or any portion thereof exclusively for medical, scientific or industrial purposes.</p>
<p><b>Section 5</b></p>	<p><b>Punishment for contravention of section 4</b></p> <p>Whoever contravenes the provisions of section 4 shall be punishable with imprisonment which may extend to seven years, or with fine, or with both.</p>	<p><b>Punishment for contravention of section 4</b></p> <p>Whoever contravenes the provisions of section 4 shall be punishable with imprisonment which may extend to seven years, <b><u>but shall not be less than one year and also be liable to fine.</u></b></p>

Section Nos.	<p align="center"><b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i></p>	<p align="center"><b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5th September, 2022 and came into force with immediate effect)</i></p>
<p><b>Section 9</b></p>	<p>9. Punishment for contravention of Section 6, 7 and 8: Whoever contravenes the provisions of Sections 6, 7 or 8 shall be punishable with---</p> <p>(a) imprisonment which may extend to two years, or with fine, or with both, if the quantity of the narcotic drug, psychotropic substance or controlled substance is one hundred grams or less;</p> <p>(b) imprisonment which may extend to seven years and shall also be liable to fine, if the quantity of the narcotic drug, psychotropic substance or controlled substance exceeds one hundred grams but does not exceed one kilogram;</p> <p>(c) death or imprisonment for life, or imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may be up to one million rupees, if the quantity of narcotic drug, psychotropic substance or controlled substance exceeds the limits specified in clause (b):</p> <p>Provided that if the quantity exceeds ten kilograms the punishment shall not be less than</p>	<p><b><u>9 Punishment for contravention of sections 6, 7 and 8.</u></b>— (1) Whoever contravenes the provisions of sections 6, 7 and 8 regarding narcotic drugs shall be punished with <u>punishment as given in column (3) of the TABLE below with regard to offence committed as mentioned in column (2) thereof, namely:—</u></p>

Section Nos.	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5th September, 2022 and came into force with immediate effect)</i>
	imprisonment for life.	

**TABLE**

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
1	Bhang	(a) Up to 999 grams.	imprisonment which may extend to three years but shall not be less than six months along-with fine which may be up to ten thousand rupees.
		(b) 1000 grams to 9999 grams.	imprisonment which may extend to seven years but shall not be less than three years along-with fine which may be up to one hundred thousand rupees but not less than ten thousand rupees.
		(c) 10000 grams to 19999 grams.	imprisonment which may extend to fourteen years but shall not be less than seven years along-with fine which may be up to two hundred thousand rupees but not less than one hundred thousand rupees.
		(d) 20000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than fourteen years along-with fine which shall not be less than two hundred thousand rupees.
2	Post or poppy straw	(a) Up to 999 grams.	imprisonment which may extend to four years but shall not be less than eight months along-with fine which may be up to twenty

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
			thousand rupees.
		(b) 1000 grams to 9999 grams.	imprisonment which may extend to eight years but shall not be less than four years along-with fine which may be up to two hundred thousand rupees but shall not be less than twenty thousand rupees.
		(c) 10000 grams to 14999 grams.	imprisonment which may extend to fourteen years but shall not be less than eight years along-with fine which may be up to three hundred thousand rupees but not less than two hundred thousand rupees.
		(d) 15000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than fourteen years along-with fine which shall not be less than three hundred thousand rupees.
3	Charas	(a) Up to 499 grams.	imprisonment which may extend to five years but shall not be less than ten months along-with fine which may be up to forty thousand rupees.
		(b) 500 grams to 999 grams.	imprisonment which may extend to nine years but shall not be less than five years along-with fine which may be up to eighty thousand rupees but not less than forty thousand rupees.
		(c) 1000 grams to 4999 grams.	imprisonment which may extend to fourteen years but shall not be less than nine years along-with fine which may be up to four hundred thousand rupees but not less than

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
			eighty thousand rupees.
		(d) 5000 grams to 9999 grams.	imprisonment which may extend to twenty years but shall not be less than fourteen years along-with fine which may be up to eight hundred thousand rupees but not less than four hundred thousand rupees.
		(e) 10000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than twenty years along-with fine which shall not be less than eight hundred thousand rupees.
4.	Hashish oil and liquid Hashish	(a) Up to 499 grams.	imprisonment which may extend to seven years but shall not be less than fourteen months along-with fine which may be up to forty thousand rupees.
		(b) 500 grams to 999 grams.	imprisonment which may extend to fourteen years but shall not be less than seven years along-with fine which may be up to eighty thousand rupees but not less than forty thousand rupees.
		(c) 1000 grams to 4999 grams.	imprisonment which may extend to twenty years but shall not be less than fourteen years along-with fine which may be up to four hundred thousand rupees but not less than eighty thousand rupees.
		(d) 5000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than twenty years along-with fine which shall not be less than four hundred thousand rupees.

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
5	Opium	(a) Up to 499 grams.	imprisonment which may extend to six years but shall not be less than one year along-with fine which may be up to fifty thousand rupees.
		(b) 500 grams to 999 grams.	imprisonment which may extend to nine years but shall not be less than six years along-with fine which may be up to one hundred thousand rupees but not less than fifty thousand rupees.
		(c) 1000 grams to 2999 grams.	imprisonment which may extend to twelve years but shall not be less than nine years along-with fine which may be up to three hundred thousand rupees but not less one hundred thousand rupees.
		(d) 3000 grams to 4999 grams.	imprisonment which may extend to fifteen years but shall not be less than twelve years along-with fine which may be up to five hundred thousand rupees but not less than three hundred thousand rupees.
		(e) 5000 grams to 7999 grams.	imprisonment which may extend to twenty years but shall not be less than fifteen years along-with fine which may be up to eight hundred thousand rupees but not less than five hundred thousand rupees.
		(f) 8000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than twenty years along-with fine which shall not be less than eight hundred thousand rupees.

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
6	Heroin and morphine	(a) Up to 99 grams.	imprisonment which may extend to seven years but shall not be less than eighteen months along-with fine which may be up to twenty-five thousand rupees.
		(b) 100 grams to 499 grams.	imprisonment which may extend to ten years but shall not be less than seven years along-with fine which may be up to one hundred and twenty-five thousand rupees but not less than twenty-five thousand rupees.
		(c) 500 grams to 1999 grams.	imprisonment which may extend to fourteen years but shall not be less than ten years along-with fine which may be up to five hundred thousand rupees but not less than one hundred and twenty-five thousand rupees.
		(d) 2000 grams to 3999 grams.	imprisonment which may extend to twenty years but shall not be less than fourteen years along-with fine which may be up to one million rupees but not less than five hundred thousand rupees.
		(e) 4000 grams to 5999 grams.	imprisonment may be for life but shall not be less than twenty years alongwith fine which may be up to one and half million rupees but shall not be less than one million rupees.
		(f) 6000 grams or more.	punishment for death or imprisonment which shall not be less than life alongwith fine which may extend to two million but shall not be less than one and half million rupees.
7	Cocaine	(a) Up to 99 grams.	imprisonment which may extend to seven years but shall not be less than eighteen months along-with fine up to fifty thousand



S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
			rupees.
		(b) 100 grams to 999 grams.	imprisonment which may extend to fifteen years but shall not be less than seven years along-with fine which may be up to five hundred thousand rupees but not less than fifty thousand rupees.
		(c) 1000 grams to 4999 grams.	imprisonment which may extend to twenty years but shall not be less than fifteen years along-with fine which may be up to two million and five hundred thousand rupees but not less than five hundred thousand rupees.
		(d) 5000 grams or more.	punishment for death or imprisonment for life but imprisonment shall not be less than twenty years along-with fine which shall not be less than two million and five hundred thousand rupees.

**Provided** that if an offence is committed relating to narcotic drug inside or near a school, college, university, educational setting or any other educational institution maximum punishment provided for that offence shall be awarded:

**Provided** further that if any person who has previously been convicted for any offence under this Act is subsequently convicted for the offence relating to narcotic drug, he shall be convicted with maximum punishment provided for that offence.

(2) Whoever contravenes the provisions of sections 6, 7 and 8 regarding psychotropic substances shall be punished with punishment as given in column (3) of the TABLE below with regard to quantity of psychotropic substances given in column (2) thereof, namely:—

**TABLE**

<b>Sr. No.</b>	<b>Offence with regard to quantity of psychotropic substance</b>	<b>Punishment</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	Up to 20 grams.	imprisonment which may extend to one year but shall not be less than two months along-with fine which may be up to fifty thousand rupees.
2	More than 20 grams and up to 50 grams.	imprisonment which may extend to two years but shall not be less than one year along-with fine which may be up to one hundred thousand rupees.
3	More than 50-grams and up to 100 grams.	imprisonment which may extend to three years but shall not be less than two years along-with fine which may be up to two hundred thousand rupees.
4	More than 100-grams and up to 500 grams.	imprisonment which may extend to five years but shall not be less than three years along-with fine which may be up to four hundred thousand rupees.
5	More than 500-grams and up to one kilo grams.	imprisonment which may extend to seven years but shall not be less than five years along-with fine which may be up to eight hundred thousand rupees.
6	More than one kilo grams and up to two kilo grams.	imprisonment which may extend to ten years but shall not be less than seven years along-with fine which may be up to twelve hundred thousand rupees.
7	More than two kilo grams and up to three kilo grams.	imprisonment which may extend to fourteen years but shall not be less than ten years along-with fine which may be up to sixteen hundred thousand rupees.

Sr. No.	Offence with regard to quantity of psychotropic substance	Punishment
(1)	(2)	(3)
8	More than three kilo grams and up to four kilo grams.	imprisonment which may extend to twenty years but shall not be than fourteen years along-with fine which may be up to eighteen hundred thousand rupees.
9	Exceeding four kilo grams.	imprisonment which shall not be less than life imprisonment alongwith fine which shall not be less than two million rupees.

**Provided** that if any offence is committed relating to psychotropic substance inside or near a school, college, university, educational setting or any other educational institution, he shall be punishable with maximum punishment provided for that offence:

**Provided** further that if any person who has previously been convicted for any offence under this Act is subsequently convicted for the offence relating to psychotropic substance and quantity does not exceed two kilograms than he shall be convicted with maximum punishment provided for that offence:

**Provided** also that if the quantity of psychotropic substance in subsequent offence exceeds two kilograms, the punishment shall not be less than life imprisonment:

**Provided** further that if recovered psychotropic substance is methamphetamine (ICE) given at serial number 47 of the Schedule-I to this Act and quantity exceeds four kilograms, punishment may be death or life imprisonment and fine which may not be less than two and half million.

(3) Whoever contravenes the provisions of sections 6, 7 and 8 regarding controlled substances specified in Table-I and Table-II of the Schedule-II shall be punishable with punishment given in column (3) of the following Table-I and Table-II respectively with regard to offence committed as mentioned in column (2) thereof, namely:—

**TABLE-I**

<b>Sr. No.</b>	<b>Offence with regard to quantity of controlled substance</b>	<b>Punishment</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	Up to 100 grams.	imprisonment which may extend to six months but shall not be less than two months along-with fine which may be up to twenty-five thousand rupees.
2	More than 100 grams and up to 500 grams.	imprisonment which may extend to one year but shall not be less than six months along-with fine which may be up to fifty thousand rupees.
3	More than 500 grams and up to one kilo grams.	imprisonment which may extend to three years but shall not be less than one year along-with fine which may be up to one hundred thousand rupees.
4	More than one kilo grams and up to two kilo grams.	imprisonment which may extend to five years but shall not be less than three years along-with fine which may be up to one hundred and fifty thousand rupees.
5	More than two kilo grams and up to five kilo grams.	imprisonment which may extend to seven years but shall not be less than five years along-with fine which may be up to three hundred thousand rupees.
6	More than five kilo grams and up to seven kilo grams.	imprisonment which may extend to ten years but shall not be less than seven years along-with fine which may be up to five hundred thousand rupees.
7	More than seven kilo grams and up to ten kilo grams.	imprisonment which may extend to fourteen years but shall not be less than ten years along-with fine which may be up to seven hundred thousand rupees.
8	Exceeding ten kilo grams.	imprisonment shall not be less than life imprisonment along-with fine which may be up to one million rupees.

**TABLE-II**

<b>Sr. No.</b>	<b>Offence with regard to quantity of controlled substance</b>	<b>Punishment</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	Up to one kilo grams.	imprisonment which may extend to six months but shall not be less than two months along-with fine which may be up to ten thousand rupees.
2	More than one kilo grams and up to three kilo grams.	imprisonment which may extend to one year but shall not be less than six months along-with fine which may be up to fifty thousand rupees.
3	More than three kilo grams and up to five kilo grams.	imprisonment which may extend to three years but shall not be less than one year along-with fine which may be up to one hundred thousand rupees.
4	More than five kilo grams and up to ten kilo grams.	imprisonment which may extend to five years but shall not be less than three years along-with fine which may be up to two hundred thousand rupees.
5	More than ten kilo grams and up to twenty kilo grams.	imprisonment which may extend to seven years but shall not be less than five years along-with fine which may be up to three hundred thousand rupees.
6	More than twenty kilo grams and up to thirty kilo grams.	imprisonment which may extend to ten years but shall not be less than five years along-with fine which may be up to five hundred thousand rupees.
7	More than thirty kilo grams and up to fifty kilo grams.	imprisonment which may extend to fourteen years but shall not be less than ten years along-with fine which may be up to seven hundred thousand rupees.
8	Exceeding fifty kilo grams.	imprisonment shall not be less than life imprisonment along-with fine which may be up to one million rupees.

**Provided** that if any person who has previously been convicted for any offence under this Act, is subsequently convicted for the offence relating to controlled substances and quantity does not exceed from six kilograms then he shall be convicted with maximum punishment provided for that offence:

**Provided** further that when the quantity of controlled substances in subsequent offence exceeds from six kilograms the accused shall be punished not less than life imprisonment:

**Provided** further also that if any accused is found guilty of trafficking narcotic drug, psychotropic substance or controlled substance into Pakistan or from Pakistan, he shall be convicted with maximum punishment provided for that offence.

9(A) (1) Notwithstanding anything contained in any other law or prison rules for the time being in force, no remissions in any sentence shall be allowed to a person, who is convicted under this Act:

**Provided** that in case of a juvenile or female convicted and sentenced for an offence under this Act, remission, may be granted as deemed appropriate by the Federal Government.

(2) Notwithstanding anything contained in any law or rules for the time being in force, neither probation in any sentence shall be allowed nor any accused convicted under this Act shall be released on parole:

**Provided** that if the convicted accused is a juvenile or female, he can be released on probation on parole as per relevant laws and rules.

(3) Notwithstanding anything contained in any other law for time being in force, imprisonment for life under this Act means imprisonment in jail for the period of twenty-five years.”.

<b>Section Nos.</b>	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
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Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
Section 16	<p><b>Punishment for offence for which no punishment is provided</b></p> <p>Whoever contravenes any provision of this Act or any rule or order made, or any licence, permit or authorization issued here-under, for which no punishment is separately provided in this Chapter, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to <i>fine thousand rupees, or with both.</i></p>	<p><b>Punishment for offence for which no punishment is provided</b></p> <p>Whoever contravenes any provision of this Act or any rule or order made, or any licence, permit or authorization issued here-under, for which no punishment is separately provided in this Chapter, shall be punishable with imprisonment for a term which may extend to <b><u>three years and fine.</u></b></p>
Section 17	<p><b>Obstructions to officers</b></p> <p>Whoever hinders or obstructs any officer in the performance of his functions under this Act or willfully furnishes to such officer any information which is, to his knowledge or belief, false in material particulars shall be punishable with rigorous imprisonment for a term which may extend to three years, <i>or with fine, or with both.</i></p>	<p><b>Obstructions to officers</b></p> <p>Whoever hinders or obstructs any officer in the performance of his functions under this Act or willfully furnishes to such officer any information which is, to his knowledge or belief, false in material particulars shall be punishable with rigorous imprisonment for a term which may extend to three years <b><u>and fine but shall not be less than one year and fine.</u></b></p>

Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
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Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
Section 19	<p><b>Forfeiture of assets of an offender</b></p> <p>Notwithstanding anything contained in section 13, where the Special Court finds a person guilty of an offence punishable under this Act and sentence him to imprisonment for <i>a term exceeding three years</i>, the court shall also order that his assets derivable from trafficking in narcotic substances shall stand forfeited to the Federal Government unless it is satisfied, for which the burden of proof shall rest on the accused, that they or any part thereof, have not been so acquired.</p>	<p><b>Forfeiture of assets of an offender</b></p> <p>Notwithstanding anything contained in section 13, where the Special Court finds a person guilty of an offence punishable under this Act and sentence him to imprisonment for <u><i>one year or above</i></u>, the court shall also order that his assets derivable from trafficking in narcotic substances shall stand forfeited to the Federal Government unless it is satisfied, for which the burden of proof shall rest on the accused, that they or any part thereof, have not been so acquired.</p>
Section 23	<p><b>Power to stop and search conveyance</b></p> <p>An officer referred to in <i>section 19</i>, may, if he has reason to suspect that an conveyance I, or is about to be, used for the transport of any narcotic drug, psychotropic substance or controlled substance in respect of which he suspects that any provision of this Act has been or is being, or is about to be, contravened at any time, stop such conveyance or, in the case of an</p>	<p><b>Power to stop and search conveyance</b></p> <p>An officer referred to in <u><i>section 21</i></u>, may, if he has reason to suspect that an conveyance I, or is about to be, used for the transport of any narcotic drug, psychotropic substance or controlled substance in respect of which he suspects that any provision of this Act has been or is being, or is about to be, contravened at any time, stop such conveyance or, in the case of an aircraft, compel it to land and:-</p>

Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
	<p>aircraft, compel it to land and:-</p> <p>(a) rummage and search the conveyance or part thereof;</p> <p>(b) examine and search any goods on or in the conveyance; or</p> <p>(c) if it becomes necessary to stop the conveyance, he may use all reasonable force for stopping it.</p>	<p>(a) rummage and search the conveyance or part thereof;</p> <p>(b) examine and search any goods on or in the conveyance; or</p> <p>(c) if it becomes necessary to stop the conveyance, he may use all reasonable force for stopping it.</p>
Section 31	<p><b>Power to call for information</b></p> <p>(1) An officer authorized under section 21 may, during the course of an enquiry in connection with the contravention of any provision of this Act:-</p> <p>(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act, or any rule or order made thereunder;</p> <p>(b) require any person to produce or deliver any document or thing useful or relevant to the inquiry;</p> <p>(c) examine any person acquainted with the facts and circumstances of the case; and</p> <p>(d) require any band or financial institution, notwithstanding anything contained in any other law for the time being in-force,</p>	<p><b>Power to call for information</b></p> <p>(1) An officer authorized under section 21 may, during the course of an enquiry <u>or investigation</u> in connection with the contravention of any provision of this Act:-</p> <p>(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act, or any rule or order made thereunder;</p> <p>(b) require any person to produce or deliver any document or thing useful or relevant to the inquiry;</p> <p>(c) examine any person acquainted with the facts and circumstances of the case; and</p> <p>(d) require any band or financial institution, notwithstanding anything contained in any other law for the time being in-force, to provide any</p>

Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	to provide any information whatsoever.	information whatsoever.  <i>(2) Notwithstanding anything contained in any provision of the Income Tax Ordinance 2001 (XLI of 2001), the Sales Tax Act, 1990, the Federal Excise Act, 2005 or any other law for the time being in force relating to information, submitted by any person with respect to tax purposes, no government department or authority shall refuse to provide documents and information called by the officer authorized under this Act.</i>
Section 32	<p><b>Articles connected with narcotics</b></p> <p>(1) Whenever an offence has been committed which is punishable under this Act, the narcotic drug, psychotropic substance or controlled substance, materials, apparatus and utensils in respect of which, or by means of which, such offence has been committed shall be liable to confiscation:</p> <p>(2) Any narcotic drug, psychotropic substance or controlled substance lawfully imported, transported,</p>	<p><b>Articles connected with narcotics</b></p> <p>(1) Whenever an offence has been committed which is punishable under this Act, the narcotic drug, psychotropic substance or controlled substance, materials, apparatus and utensils in respect of which, or by means of which, such offence has been committed shall be liable to confiscation:</p> <p>(2) Any narcotic drug, psychotropic substance or controlled substance lawfully imported, transported, manufactured, possessed, or sold</p>

Section Nos.	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	<p>manufactured, possessed, or sold alongwith, or in addition to, any narcotic drug, psychotropic substance or controlled substance which is liable to confiscation under sub-section (1) and the receptacles or packages, and the vehicles, vessels and other conveyances used in carrying such drugs and substances shall likewise be liable to confiscation;</p> <p>Provided that no vehicle vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being, or was to be, committed.</p>	<p>alongwith, or in addition to, any narcotic drug, psychotropic substance or controlled substance which is liable to confiscation under sub-section (1) and the receptacles or packages, and the vehicles, vessels and other conveyances used in carrying such drugs and substances shall likewise be liable to confiscation;</p> <p>Provided that no vehicle vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being, or was to be, committed;</p> <p><i>Provided further that if any currency whether local or foreign or any valuable item having monetary value used for the commission of the offence under this Act is seized it shall be confiscated along-with other articles.</i></p>
<b>Section 33</b>	<b>Section 33 sub-section (4)</b> (4) A narcotic drug, psychotropic substance or controlled substance seized under this Act shall be disposed of under Section 516A of	<b>Section 33 sub-section (4)</b> (4) A narcotic drug, psychotropic substance or controlled substance seized under this Act shall be disposed of under Section 516A of

Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
	the Code of Criminal Procedure, 1898 (Act V of 1898).	the Code of Criminal Procedure, 1898 (Act V of 1898);  <i>Provided that the Federal Government may exempt any narcotic drugs, psychotropic substance and controlled substance for disposal under section 516A of the Code by making rules under this Act.</i>
<b>Section 37</b>	<b>Section 37 sub-section (2)</b>  (2) Where in the opinion of the Director –General or an officer authorised under Section 21 an offence is being or has been committed, he may freeze the assets of such accused and <i>within seven days</i> of the freezing shall place before the court the material on the basis of which the freezing was made and further continuation of the freezing or otherwise shall be decided by the Court.	<b>Section 37 sub-section (2)</b>  (2) Where in the opinion of the Director –General or an officer authorised under Section 21 an offence is being or has been committed, he may freeze the assets of such accused and within <b><u>thirty days</u></b> of the freezing shall place before the court the material on the basis of which the freezing was made and further continuation of the freezing or otherwise shall be decided by the Court.
<b>Section 39</b>	<b>Order for forfeiture of assets</b>  (1) Where the Special Court convicts an accused under section 13, or sentence him to imprisonment for <i>more than three years</i> , the director-General or an officer authorized by him may	<b>Order for forfeiture of assets</b>  (1) Where the Special Court convicts an accused under section 13, or sentence him to imprisonment for <b><u>one year or more</u></b> , the director-General or an officer authorized by him may request the said court by an

Section Nos.	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	<p>request the said court by an application in writing alongwith a list of the assets of the convict or, as the case may be, his associates, relatives or any other person holding or possessing such assets on his behalf, for forfeiture thereof.</p> <p>(2) Where the Special Court is satisfied that any assets specified in the list referred to in sub-Section (1) were derived, generated or obtained in contravention of Section 12 or are liable to be forfeited under Section 19, it may order that such assets shall stand forfeited to the Federal Government:</p> <p style="padding-left: 40px;">Provided that no order under this section shall be made without issuing a notice to show cause and providing a reasonable opportunity of being heard to the person being affected by such order:</p> <p style="padding-left: 40px;">Provided further that if such person fails to tender any explanation or defaults in making appearance before the Special Court on any date appointed by it,</p>	<p>application in writing alongwith a list of the assets of the convict or, as the case may be, his associates, relatives or any other person holding or possessing such assets on his behalf, for forfeiture thereof.</p> <p>(2) Where the Special Court is satisfied that any assets specified in the list referred to in sub-Section (1) were derived, generated or obtained in contravention of Section 12 or are liable to be forfeited under Section 19, it may order that such assets shall stand forfeited to the Federal Government <b><u>and shall vest in that Government free from all encumbrances:</u></b></p> <p style="padding-left: 40px;">Provided that no order under this section shall be made without issuing a notice to show cause and providing a reasonable opportunity of being heard to the person being affected by such order:</p> <p style="padding-left: 40px;">Provided further that if such person fails to tender any explanation or defaults in making appearance before the Special Court on any date appointed by it, the Special Court may proceed to record</p>

Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
	<p>the Special Court may proceed to record an order ex-parte on the basis of the evidence available before it.</p> <p>(3) Where any shares in a company are forfeited to the Federal government under sub-section (2), notwithstanding anything contained in the Companies ordinance, 1984 (XLVII of 1984), or any other law for the time being in force or Articles of Association of the Company, such shares shall be registered in the name of the Federal Government.</p>	<p>an order ex-parte on the basis of the evidence available before it.</p> <p>(3) Where any shares in a company are forfeited to the Federal government under sub-section (2), notwithstanding anything contained in the Companies ordinance, 1984 (XLVII of 1984), or any other law for the time being in force or Articles of Association of the Company, such shares shall be registered in the name of the Federal Government.</p>
Section 40A	<p>40. Forfeiture of assets of person convicted abroad. – (1) Notwithstanding anything contained in any other law for the time being in force, where a citizen of Pakistan is convicted by a foreign Court for an offence which is also an offence punishable under this Act, the Special Court may, on an application made by the Director-General or any other officer authorized by the Federal Government, order that the assets acquired in Pakistan by such</p>	<p>After section 40, new section 40A is inserted:</p> <p><b><u>40A. Jurisdiction of special court.</u></b>— <i>No court other than the Special Court established under this Act shall have the power to entertain any suit or claim relating to the property, which is pending for adjudication before the Special Court for the purpose of forfeiture of assets under section 39 or section 40.</i></p>



Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	<p>citizen shall be forfeited to the Federal Government.</p> <p>(2) The Special Court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment that. such judgment was pronounced by a Court of competent jurisdiction, unless the contrary appears on the record, but such presumption may be displaced by proving want of jurisdiction:</p> <p>Provided that the judgment or order of conviction –</p> <ol style="list-style-type: none"> <li>a) is passed by the foreign Court of competent jurisdiction;</li> <li>b) has been pronounced on the merits of the case;</li> <li>c) has not been obtained by fraud;</li> <li>d) has not been made in contravention of any law in force in Pakistan;</li> <li>e) has assumed finality through appeal, revision or review and its not subjudice before any appellate forum:</li> </ol> <p>Provided further that no order under this section shall be made without providing an opportunity of being heard to such citizen:</p> <p>Provided also that, notwithstanding</p>	

<b>Section Nos.</b>	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	<p>anything. contained in clauses (a) to (e) of the first proviso, during the pendency of the application the Court may, by an order, freeze all or any of the assets or restrain such citizen, his associates and relatives from alienating such assets by lease, sale, gift, transfer or in any other manner.</p> <p>Explanation.---For the purpose of this section, the expression "Court" means the High Court of the Province where the assets or any part thereof are located.</p>	
<b>Section 45</b>	<p><b>Jurisdiction to try offences</b></p> <p>The Special Court established under this Act shall have exclusive jurisdiction to try an offence cognizable under this Act.</p>	<p><b>Jurisdiction to try offences</b></p> <p>The Special Court established under this Act shall have exclusive jurisdiction to try an offence cognizable under this Act <b><u>and when trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act when so authorized by Federal Government in this regard and with which the accused may, under the Code of Criminal Procedure, 1898 (Act V of 1898), be charged jointly at the same trial.</u></b></p>

Section Nos.	The Control of Narcotics Substance Act, 1997 <i>(Act XXV of 1997) along with all amendments</i>	The Control of Narcotics Substance (Amendment) Act, 2022 <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
Section 49	<p><b>Sub-section (3)</b></p> <p>Notwithstanding anything hereinbefore contained, a remand may be granted by the nearest <i>special Court comprising a judicial Magistrate of the First Class.</i></p>	<p><b>Sub-section (3)</b></p> <p>Notwithstanding anything hereinbefore contained, a remand may be granted by the nearest judicial Magistrate of the First Class.</p>
Section 49A	<p>49. Transfer of cases: (1) Where more Special Courts than one are established within the territorial jurisdiction of a High Court, the High Court may, by order in writing, transfer a case, at any stage, from one Special Court to another Special Court, in accordance with section 526 of the Code as if the Special Court was a Court of Session.</p> <p>(2). On the establishment of Special Courts under section 45 and 46, all cases where the sentence of an offence is two years or less, shall stand transferred to the respective Special Court comprising a judicial Magistrate of the First Class and all other cases to the respective Special Courts comprising of Sessions Judges of Additional Sessions Judges.</p> <p>(3). Notwithstanding anything</p>	<p>After section 49, new section 49A is inserted:</p> <p><b><u>49A. Remand.</u></b>—<i>Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or any law for the time being in force, the person arrested under this Act shall having regard to the facts and circumstances of the case be liable to be detained in custody for the purpose of inquiry and investigation for a period not exceeding ninety days and court may remand an accused person to custody not exceeding fifteen days at a time and for every subsequent remand, the court shall record reasons in writing.</i></p>

<b>Section Nos.</b>	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	hereinbefore contained, a remand may be granted by the nearest Special Court comprising a judicial Magistrate of the First Class.	
<b>Section 50</b>	<b>Sub-section (1)</b>  The Federal Government may appoint a person who is an advocate of a High Court to be a Special Prosecutor on such terms and conditions as may be determined by it and any person so appointed shall be competent to conduct proceedings under this Act before a Special Court and, if so directed by the Federal Government, to withdraw such proceedings.	<b>Sub-section (1)</b>  The Federal Government may appoint a person who is an advocate of a High Court to be a Special Prosecutor on such terms and conditions as may be determined by it and any person so appointed shall be competent to conduct proceedings under this Act before a Special Court and <b><u>any appellate court</u></b> , if so directed by the Federal Government, to withdraw such proceedings.
<b>Section 59</b>	<b>Sub-section (1)</b>  Notwithstanding anything contained in any law for the time being in force, where the Federal Government approves a request of a foreign state pursuant to <i>Section 60</i> to obtain evidence in Pakistan, or be able to be given by a person believed to be in Pakistan, the Director-General or an officer authorized by him may apply to the High Court for:-  (a) a search warrant; or	<b>Sub-section (1)</b>  Notwithstanding anything contained in any law for the time being in force, where the Federal Government approves a request of a foreign state pursuant to <b><u>Section 58</u></b> to obtain evidence in Pakistan, or be able to be given by a person believed to be in Pakistan, the Director-General or an officer authorized by him may apply to the High Court for:-

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	(b) an evidence-gathering order.	(a) a search warrant; or (b) an evidence-gathering order.
<b>Section 61</b>	<p><b>Sub-section (1)</b></p> <p>The Federal Government may, by written notice, authorize the temporary detention in Pakistan of a person in detention in a foreign State who is transferred from that state to Pakistan pursuant to a request under clause (f) of (1) of <i>section 62</i>, for such period as may be agreed with that State for the purposes of the request, and the return in custody of the person to the foreign State.</p>	<p><b>Sub-section (1)</b></p> <p>The Federal Government may, by written notice, authorize the temporary detention in Pakistan of a person in detention in a foreign State who is transferred from that state to Pakistan pursuant to a request under clause (f) of (1) of <b><u>section 57</u></b>, for such period as may be agreed with that State for the purposes of the request, and the return in custody of the person to the foreign State.</p>
<b>Section 62</b>	<p><b>Foreign requests for Pakistan restraining orders</b></p> <p>(1) Notwithstanding anything contained in any law for the time being in force, where the Federal Government approves a request of a foreign State pursuant to <i>section 66</i> to restrain dealings in any assets, some or all of which are believed on reasonable grounds to be located in Pakistan, the Federal Government may apply to the High Court for a restraining order.</p> <p>(2) The High Court, to which an</p>	<p><b>Foreign requests for Pakistan restraining orders</b></p> <p>(1) Notwithstanding anything contained in any law for the time being in force, where the Federal Government approves a request of a foreign State pursuant to <b><u>sub-section (1) of section 63</u></b> to restrain dealings in any assets, some or all of which are believed on reasonable grounds to be located in Pakistan, the Federal Government may apply to the High Court for a restraining order.</p> <p>(2) The High Court, to which an</p>

Section Nos.	<b>The Control of Narcotics Substance Act, 1997</b> <i>(Act XXV of 1997) along with all amendments</i>	<b>The Control of Narcotics Substance (Amendment) Act, 2022</b> <i>(Promulgated from 5<sup>th</sup> September, 2022 and came into force with immediate effect)</i>
	<p>application is made under sub-section (1), may issue a freezing order, where it is satisfied that there are reasonable grounds to believe that—</p> <p>(a) an offence has been committed, or is suspected on reasonable grounds to have been committed by a person against the laws of the requesting State which, if committed in Pakistan, would have constituted an offence under this Act;</p> <p>(b) an investigation or proceeding has commenced in the foreign State relating to that offence;</p> <p>(c) assets derived by the person, his relatives and associates from the commission of the offence are located in Pakistan; and</p> <p>(d) an order has been made, or is likely to be made in the foreign country having to the effect of forfeiting such assets, this <i>Ordinance</i> shall apply as if the offence had been committed in Pakistan, whereupon the freezing order had been made under sub-section (2) of Section 38.</p>	<p>application is made under sub-section (1), may issue a freezing order, where it is satisfied that there are reasonable grounds to believe that—</p> <p>(a) an offence has been committed, or is suspected on reasonable grounds to have been committed by a person against the laws of the requesting State which, if committed in Pakistan, would have constituted an offence under this Act;</p> <p>(b) an investigation or proceeding has commenced in the foreign State relating to that offence;</p> <p>(c) assets derived by the person, his relatives and associates from the commission of the offence are located in Pakistan; and</p> <p>(d) an order has been made, or is likely to be made in the foreign country having to the effect of forfeiting such assets, this <b><i>Act</i></b> shall apply as if the offence had been committed in Pakistan, whereupon the freezing order had been made under sub-section (2) of Section 38.</p>
Section 72	<b>Application of the Customs Act, 1969</b>	<b>Application of the Customs Act, 1969</b>

Section Nos.	The Control of Narcotics Substance Act, 1997 (Act XXV of 1997) along with all amendments	The Control of Narcotics Substance (Amendment) Act, 2022 (Promulgated from 5 <sup>th</sup> September, 2022 and came into force with immediate effect)
	<p>All prohibitions and restrictions imposed by or under this <i>Ordinance</i> on the import into, export from, Pakistan and transshipment of narcotic drugs, psychotropic substances or controlled substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs Act 1969 (IV of 1969), and the provisions of this Act shall apply accordingly:</p>	<p>All prohibitions and restrictions imposed by or under this <u>Act</u> on the import into, export from, Pakistan and transshipment of narcotic drugs, psychotropic substances or controlled substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs Act 1969 (IV of 1969), and the provisions of this Act shall apply accordingly:</p>
<p><b>Section 74A</b></p>	<p>74. Application of other laws: If an offence punishable under this Act, is also an offence in any other law for the time being in force, nothing in that law shall prevent the offender from being punished under this Act:</p> <p>Provided that nothing contained in section 523 of the Code of Criminal Procedure, 1898 (Act V of 1898), or any other provision of the said Code or any other law for time being in force, the custody of narcotic drugs, psychotropic substances, controlled substances, any material utensils used for production or manufacture of such drugs or substances or any</p>	<p>After section 74, new section 74A is inserted:</p> <p><b><u>74A. Power to amend Schedules.—</u></b> <i>The Federal Government may, by notification in the official Gazette, amend the Schedules so as to add any entry thereto, amend any entry therein or omit any entry there from if it is satisfied that it is necessary or expedient so to do on the basis of following, namely:—</i></p> <p>(a) <i>the information and evidence which has become available to it with respect to the nature and effects of and the abuse or the scope for abuse of any substance (natural or synthetic) or natural material</i></p>



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	conveyance used in import, export, transport or transshipment thereof or for commission of an offence under this Act, shall not be given on custody to the accused or any of his associate or relative or any private individual till the conclusion of the case.	<u>or preparation of such substance or material; or</u> (b) <u>the modifications or provisions, if any, which have been made to or in any international convention with respect to such substance, natural material or any salt or preparation of such substance or material.</u>
<b>Schedule</b>	Amendment in the Heading	In the said Act, in the Schedule, for the heading "THE SCHEDULE", the heading " <b><u>SCHEDULE-I</u></b> ", shall be substituted.
<b>Schedule-II</b>	New Schedule added after Schedule-I	

**Schedule-II --- [see Section 2(k)]**

**Division-I**

(Table-I of the 1988 Convention)

Ephedrine	N-acetylanthranilic acid
Erogometrine	Isosafrole
Ergotamine	3,4 methylnedeioxyphenyl
Lysergic acid	2-propanone
4-pheny 1-2 propanone	Piperonal
Pseudoephedrine	Safrole

**Division-II**

(Table-II of the 1988 Convention)

Acetic anhydride	Hydrochloric acid
Acetone	Methyl ethyl
Anthranilic acid	Ketone
Ethyle eter	Potassium permanaganate

Phenylacetic acid	Sulphuric acid
Vb Piperidine	Toluene

### **Important Case Law On Control of Narcotics Substance Act, 1997**

1. Preamble & Ss. 7, 8 & 9---Object and purpose---Sentence, quantum of---Import or export of narcotic/drugs, trafficking or financing the trafficking of narcotics/drugs---Scope---Object and purpose as mentioned in the Preamble of Control of Narcotic Substances Act, 1997 was to consolidate and amend the laws relating to narcotic drugs and psychotropic substances---Object and purpose was also to regulate the treatment and rehabilitation of narcotic addicts and the matters connected and incidental therewith---Section 7 prohibited the import into, export from and transporting within Pakistan of any narcotic drug and psychotropic substance or controlled substance, save in accordance with the Rules made under S.7(2) of the Act---Trafficking or financing the trafficking of narcotic drugs was prohibited under S. 8---Section 9 described distinct punishments for contravention of the prohibition contained in Ss. 6, 7 & 8 of the Control of Narcotics Substances Act, 1997---. **2022 YLRN 99**
  
2. Preamble---Intent and object of Act---Intent and object of Control of Narcotic Substances Act, 1997 was to control the production, processing and trafficking of narcotics. **2018 PCr.LJ 389**
  
3. Preamble & S. 9---Intent and object of promulgation of Control of Narcotic Substances Act, 1997 was to control the production, processing and trafficking of narcotics etc., and having been promulgated for that special purpose, its operative provisions should not be crushed on mere technicalities---In achieving the object of that Act, court should be vibrant and minor irregularities or discrepancies, must be overlooked. **2014 PCr.LJ 1649.**
  
4. Preamble---Interpretation of different provisions of the Control of Narcotic Substances Act; 1997 appears to some to be somewhat harsh or stringent but the same is in consonance with the spirit of the said law---Said law is not an ordinary law as the menace that it purports to curb is not common place and the criminals who indulge in it are not of normal type---Mischief sought to be suppressed by this

law is not just a crime against a human being but a crime against the humanity and, therefore, a response to the same has to be aggressive and punitive rather than benign and curative---Individual subjected to the rigors of this law may sometimes suffer disproportionately but the greater good of the society emerging from stringent application of this law may make this approach worth its white.**2005 PLD 440.**

5. Only evidence available in the case was that of Investigating Officer and he had failed to produce the spy before the High Court despite being ordered---FIR was not registered by the SHO/Head Moharar of Excise Police Station---Nothing was mentioned about the proceedings required to be conducted by the S.H.O. under S. 157, Cr.P.C.---Perusal of challan revealed that it was submitted by the self-appointed Investigating Officer without the approval of his superior or District Public Prosecutor as required under S. 9 of the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009---Alleged recovered charas was never handed over by the Investigating Officer to the Incharge Malkhana---Investigating Officer had not seized the vehicle from which charas was recovered--Investigating Officer himself had disclosed name of the owner of vehicle in the challan but had not inquired from the owner that how and why his vehicle was found involved in an offence---Owner of the conveyance should have been included as co-accused for an offence under Ss. 7 & 8 of Control of Narcotic Substances Act, 1997---Investigating Officer after arresting the accused under S. 21 of Control of Narcotic Substances Act, 1997, ought to have dealt with him under S. 27 of Control of Narcotic Substances Act, 1997---Action taken by the Investigating Officer against the accused after his arrest and alleged seizure of charas while performing function under S. 21(1) of Control of Narcotic Substances Act, 1997, was illegal, void ab initio, without lawful authority and, therefore, the entire trial had vitiated. **PLD 2022 (kar) 84**
6. Ss. 9, 21, 51 & 29---Criminal Procedure Code (V of 1898), S. 103---Possession of narcotics---Power of entry, search, seizure and arrest without warrant---No bail to be granted in respect of certain offences---Presumption from possession of illicit articles---Search to be made in presence of witnesses---Scope---Element of stringency spells out from Control of Narcotic Substances Act, 1997, as is evident

from prohibition of bail under S. 51, power of police to enter and search premises without warrant under S. 21, exclusion of S. 103, Cr.P.C., in recovery proceedings, competency of official witnesses in search/seizure and from the presumption to be drawn under S. 29---Legislative strictness leaves little room for the defence to dislodge the case of prosecution in Control of Narcotic Substances Act, 1997---High Court observed that if menace of drugs is not catered, it is destined to destroy our coming generations as well as the social fabric---At the same time, society is not oblivious of the fact that often an innocent person is grilled in a narcotic case either by mistake or with some sinister design---To achieve the ultimate goal of safe administration of justice, the statutory stringency of Control of Narcotic Substances Act, 1997 is to be reciprocated through circumspective appraisal of prosecution evidence---Emergence of reasonable doubt from the review of prosecution case must entail consequences of an acquittal.**2022 PCr.LJ 1492**

7. In the FIR as well as in the recovery memo it had been mentioned that poast/poppy straw was recovered in plastic gunny bags but there is no mention that recovered items were got grinded or mixed and then sent to the Chemical Examiner---On the other hand, contents of the report of Chemical Examiner indicate that samples sent to it were in grinded form i.e. grinded material of black and yellow coloured straws, seeds and stalks, which means that whole poppy plant would have been recovered from the accused---Perusal of section 2(t)(iii) of the Control of Narcotic Substances Act, 1997, showed that 'poast' in the mixture form would only be considered a narcotics substance within the meaning of the Act if the same contained 0.2 percent of morphine---However, the report of the Chemical Examiner reveals no such percentage - Report of the Chemical Examiner, left no doubt that the recovered poast from the possession of the accused was in grinded/mixed shape, therefore, the report of the Chemical Examiner ought to have mentioned the percentage of morphine in the whole mixture---Record also did not show as to whether from the 1650 kilograms of poast, which was in the shape of whole poppy plants, how much quantity was the sack/pouch/doda as it is only the sack/pouch/doda which contained narcotic substance---Therefore, in absence of such report, it was difficult to determine as to whether the case against the accused fell within the purview of section 9(a), 9(b) or 9(c) of the Act---In circumstances, conviction of accused was maintained, however his sentence of imprisonment for

life was reduced to that already undergone. **2022 SCMR 1375; 2021 SCMR 531; 2016 SCMR 621; 2011 SCMR 1949.**

8. Ss. 9, 6 & 7---Prohibition of possession of narcotic drugs---Prohibition of import or export of narcotic drugs---Scope---Mischief of S. 9 of Control of Narcotic Substances Act, 1997 is attracted if a person is found to have contravened the provision of Ss. 6, 7 & 8 of the Act---According to S. 6 of the Act production, manufacturing, extraction, possession, sale and purchase of any narcotic drug, psychotropic substance or controlled substance is prohibited---Eloquent examination of S. 6 of the Act unfolds that said prohibition is not absolute in nature rather is subject to certain exceptions and there is no bar to possess, produce, manufacture such substances for medical, scientific or industrial purposes but in accordance with law for the time being in force---For entailing consequences of S. 9 of the Act the recovered substance must be declared as narcotic drug, psychotropic or controlled substance---Under S. 7(2) of the Act, Federal Government can make rules to permit and regulate the import, export and transshipment of narcotic drugs, psychotropic or controlled substance under a license or permit.**2021 PCr.LJ 1882**
  
9. Ss. 9(c) & 6---Criminal Procedure Code (V of 1898), S. 417---Appreciation of evidence--- Possession of narcotics---Appeal against acquittal---Non-association of private witnesses---Safe custody---Delay in sending case property to Forensic Laboratory---Scope---Accused was alleged to have been found in possession of 11 kilograms of charas---Roznamcha entry depicting departure of police party for patrolling showed over-writing---No person from the bus stand (place of recovery) was made to act as mashir---Driver or the bus conductor was not approached and/or examined---Prosecution witnesses had contradicted each other about the departure of bus---Registration number of the bus from which the accused dropped was not mentioned in the FIR or in mashirnama---Case property was received in the Forensic Laboratory after 10 days of its recovery without any explanation with regard to its safe custody---Trial Court had rightly disbelieved the prosecution evidence---Scope of appeal against acquittal was considerably narrow and presumption of double innocence was attached to the order of acquittal. **2020 YLR 1453.**

10. Ss. 6 & 9(c)---Criminal Procedure Code (V of 1898), S. 103(5)---Possession of narcotic drugs---Appreciation of evidence---Non-association of private witnesses--  
-Effect---Failure to take action against the person who refused to witness the search---Effect---Accused was charged for possession of 2500 grams of hashish---  
Raiding party, according to first information report (FIR), had prior spy information about the accused having hashish but no private person was associated to witness the recovery proceedings---When recovery was stated to have taken place near a petrol station, then failure to secure independent witnesses could not be brushed aside---Prosecution witnesses had statedly tried to associate private persons at the place of recovery but private persons excused, however, admittedly no action was taken against those private persons, hence, such assertion did not carry weight---No fake customer was sent for purchase of hashish from the accused before the raid---Complainant was also the Investigating Officer of the case---Complainant could not have investigated the same case, which must have been investigated by an independent officer---Constable who carried the case property to the Chemical Examiner was not examined by the prosecution in order to show safe transmission. **2020 MLD 945.**
11. Ss. 2, 3 & 9(c)---Possession of narcotic---Liquid mixture---Percentage of narcotic, determination of---Requirement of calculating the percentage of narcotic drug in a liquid preparation or mixture was mandatory as per S. 3 of the Control of Narcotic Substances Act, 1997 read with the definitional test under S. 2 of the Act. -Report of Chemical Examiner failing to mention the percentage of "morphine" found in the intoxicating substance---Effect---Such fatal omission made the report of the Chemical Examiner inconclusive, leaving it uncertain whether the substance passed for a narcotic drug, and the same was unreliable to support conviction under the Act. **PLD 2019 SC 669.**
12. Ss. 3 & 9(c)---Constitution of Pakistan, Arts. 4 & 10-A---Criminal Procedure Code (V of 1898), S. 423(1)(a)---Possession of narcotic---Intoxicating liquid---Report of Chemical Examiner failed to mention the percentage of "morphine" found in the intoxicating substance---Trial Court acquitted the accused on the basis of such inconclusive Report---On appeal High Court gave directions for obtaining fresh samples of the alleged intoxicating substance and preparing a fresh report of the

Chemical Examiner---Legality---Such direction of the High Court amounted to granting the prosecution a premium on its failure to put up a proper case in the first instance---Such judicial intervention was opposed to the adversary principle and offensive to the fundamental right of fair trial and due process guaranteed under the Constitution---High Court has travelled beyond its lawful powers under S.423(1)(a), Cr.P.C. and had in fact directed to conduct re-investigation or further investigation of the case, which was not permissible under the law---Even otherwise, calling for fresh examination of the intoxicating substance at the appellate stage after many years may frustrate the settled laws as to safe custody and safe transmission of the recovered substance making the report of the Chemical Examiner suspect and unreliable---Impugned judgment of High Court whereby the case was remanded to the Trial Court for retrial was set-aside and acquittal recorded by the Trial Court was restored. **PLD 2019 SC 669.**

13. Ss. 9(c), 8, 7, 5 & 36--- Control of Narcotic Substances (Government Analysis) Rules (2001), R. 6---Prohibition of possession, import and export, trafficking or financing trafficking of narcotic drugs---Appreciation of evidence---Report of result of test or analysis---Scope---Prosecution evidence came up with material contradictions, which had created strong doubt in the veracity of the prosecution case---prosecution witnesses had stated the colour of the recovered Charas to be blackish; whereas, the report of Chemical Examiner showed that the colour was greenish---Said contradiction as to the colour of the recovered substance was damaging to the prosecution case---Statement of prosecution witnesses and report of Chemical Examiner were also contradictory as to number of parcels of Charas and opium sent to the Chemical Examiner and as to manner and time of their transmission to the Chemical Examiner---Report of Chemical Examiner could not be said to be full and complete, disclosing the full protocols of the test applied, except the bare opinion that the packets contained Charas---In terms of R. 6 of Control of Narcotic Substances (Government Analysis) Rules, 2001, report of the Chemical Examiner containing his opinion must have disclosed the procedure and the reasons on which his opinion was based---Opinion rendered by the Chemical Examiner was of no evidence, unless the same was supported with reasons---Said patent infirmity noticed in the report was fatal to the prosecution case.**2016 PCr.LJ 1170.**



14. Ss. 2, 3 & 9(c)---Possession of narcotic---Liquid mixture---Percentage of narcotic, determination of---Requirement of calculating the percentage of narcotic drug in a liquid preparation or mixture was mandatory as per S. 3 of the Control of Narcotic Substances Act, 1997 read with the definitional test under S. 2 of the Act. **2012 MLD 770.**
  
15. Ss.2(g), (h), (t), (u) & 3---Appreciation of evidence---Application for determination of percentage of opium alkaloids---Dismissal of application---Appeal---More than 8000 unlabelled intoxicating/sedative injections were recovered at the instance and from the possession of accused---According to the report of Chemical Examiner, said injections contained opium alkaloids, but the Chemical Examiner had failed to give the percentage of the opium alkaloids, which was found to be the component of the recovered material---According to S.3 of Control of Narcotic Substances Act, 1997 Federal Government was required to make rules prescribing the method with which the percentage of liquid preparations could be calculated for the purpose of clauses (g) (h) (t) & (u) of S.2 of Control of Narcotic Substances Act, 1997---Provisions of S.3 of Control of Narcotic Substances Act, 1997, had provided that in case of recovery of any material defined under clauses (g) (h) & (u) of S.2 of said Act percentage till the framing of the rules by the Government would be determined in accordance with the Proviso to S.3 of said Act---In the present case while examining the recovered material, Chemical Examiner failed to give percentage of opium alkaloids, which according to him were detected in the recovered injections---Chemical Examiner who was under a legal obligation to find ,out the percentage of the detected opium alkaloids, having failed to do so, appeal against order of Special Court whereby the application filed by the applicant for the determination of the percentage of opium alkaloids from the material allegedly recovered from the applicant was dismissed, was set aside and application of applicant before the Trial Court was allowed. **2009 YLR 1277.**
  
16. -R. 4(2) ---Control of Narcotic Substances Act (XXV of 1997)---Rules provided in Control of Narcotic Substances (Government Analysts) Rules, 2001, were directory and not mandatory, hence the same were not to control substantive provisions of Control of Narcotic Substances Act, 1997, nor the same were to be



- applied or interpreted in such a manner that express provisions of Control of Narcotic Substances Act, 1997 were frustrated.**2007 PCrLJ 156.**
17. Ss. 48, 6 & 9(b)---Appeal---Possession of narcotics---Revision petition---Maintainability---Condonation of delay---Scope---Prosecution preferred appeal for enhancement of sentence awarded by Trial Court in view of plea of guilty---Accused was convicted for an offence under Ss. 6 & 9(b) of Control of Narcotic Substances Act, 1997---Anti-Narcotics Force could only invoke the jurisdiction of appeal under S. 48 of Control of Narcotic Substances Act, 1997, for challenging the order of Special Court---Authorization by the Acting Director, Anti-Narcotics Force under S. 14 of Control of Narcotic Substances Act, 1997, for filing revision petition was given after the expiry of statutory period of limitation for challenging the impugned order---Appellant, neither at the time of filing revision nor at the time of oral request to convert the revision into appeal, had filed any application for condonation of limitation period for filing the appeal---In the absence of any request for condonation of delay or any oral explanation for the delay in filing appeal, no justification existed to entertain the hopelessly time-barred appeal. **2022 Per.LJ 1506.**
18. Non-association of witnesses from the public---Supreme Court observed that absence of a witness from the public, despite possible availability was not a new phenomenon; it was reminiscent of a long drawn apathy depicting public reluctance to come forward in assistance of law, due to exasperating legal procedures and lack of witness protection---In such circumstances, evidence of official witnesses was the only available option to combat the menace of drug trafficking with the assistance of functionaries of the State; their evidence, if found confidence inspiring, may implicitly be relied upon without hesitation, as their status as witnesses was second to none.**2021 SCMR 198.**
19. R. 6---Control of Narcotic Substances Act (XXV of 1997), S. 9(c)---Possession of narcotics---Report of Government Analyst---protocol s/procedure---Scope---Substantial/sufficient compliance with R. 6 of the Control of Narcotic Substances (Government Analysts) Rules, 2001 ('Rule 6')---Plea on behalf of accused that forensic report in the present case did not mention the details of protocols used, as such the nature of contraband was never established---Held, that tests carried out

by the analyst were vividly mentioned in his report, under the heading "Test Performed on Received Item(s) of Evidence" followed by the heading "Results and Conclusions"---Said details in the forensic report substantially/sufficiently qualified to meet the statutory requirements under R. 6 of Control of Narcotic Substances (Government Analysts) Rules, 2001---Conviction of accused under S. 9(c) of Control of Narcotic Substances Act, 1997 was maintained.**2020 SCMR 460**

20. Any test conducted without a protocol lost its reliability and evidentiary value---To serve the purposes of the Control of narcotic Substances Act, 1997 and the Control of narcotic Substances (Government Analysts) Rules, 2001, the report of the Government Analyst must contain three elements, i.e the tests applied; the protocols applied to carry out these tests; and, the result of the test(s)---Report of the Government Analyst which did not specify the protocols of the tests applied did not meet the requirements of the law---Such a Report could not be relied upon for the conviction of an accused. **PLD 2020 SC 57**
21. R. 6---Control of narcotic Substances Act (XXV of 1997), S. 9(c)---Possession of narcotics--- Report of Government Analyst---Protocols/procedure---Confirmatory forensic conclusions to establish narcotic character of a substance must be supported by the protocol/procedure mandated by R. 6 of the Control of narcotic Substances (Government Analysts) Rules, 2001---Non-compliance of R. 6 would render the report of the Government Analyst inconclusive, suspicious and untrustworthy and would not meet the evidentiary assumption attached to such report **2020 SCMR 196.**
22. R.6---Control of Narcotic Substances Act (XXV of 1997), S. 36(1)---Narcotics--- Government analyst report, preparation of---Mandatory requirements---Report of the Government Analyst, prepared in consequence of R. 6 of the Control of Narcotic Substances (Government Analysts) Rules, 2001, must provide for, firstly, tests and analysis of the alleged drug; secondly, the results of the test(s) carried out, and, thirdly the test protocol s applied to carry out these tests---Said three elements formed the fundamental and the core elements of a valid Report prepared by a Government Analyst---Non-compliance of R. 6 and absence of any of the said mandatory elements/requirements frustrated the purpose and object of the Control of Narcotic Substances Act, 1997 ('the Act'), thereby diminishing the reliability

and evidentiary value of the Report---Under S. 36 of the Act, the report of the Government Analyst, whilst being admissible in evidence without formal proof, was rebuttable and could be questioned by the accused, inter alia, on the ground of non-compliance of the information required under R. 6 of the Control of Narcotic Substances (Government Analysts) Rules, 2001---Judgment reported as State v. Imam Bakhsh (2018 SCMR 2039) purposively interpreted the Act and (rightly) found R. 6 to be a mandatory provision regarding information to be reflected in the Report of the Analysts. **2019 SCMR 930**

23. -Rules 4 and 5 of the Control of Narcotic Substances (Government Analysts) Rules, 2001, being directory and not mandatory, could not control the substantive provisions of the Control of Narcotic Substances Act, 1997 and frustrate its purpose---Failure to follow the said rules would not render the search, seizure and arrest under the parent Act a nullity and would not make the entire case doubtful, except the consequences provided in the rules---Belated dispatch of incriminating articles for expert opinion could not be fatal in the absence of any objection regarding the same having been tampered with or manipulated---Impugned judgment did not suffer from any illegality or infirmity, legal or factual---Leave to appeal was refused to accused accordingly. **2011 SCMR 624**

24. Ss. 9(c) & 36---Control of Narcotic Substances (Government Analyst) Rules, 2001, R. 6---Possession of narcotic drug---Delay in registration of FIR---Safe custody and transmission---Proof---Report of Government Analyst---Non-mentioning of protocols of test applied---Effect---Prosecution case against accused was that he tried to smuggle heroin from international airport---Police, on secret information, apprehended accused and recovered huge quantity of heroin---Held; recovery was made at 12:45 a.m. (night) whereas complaint was prepared at 9:30 a.m. (next morning); such delay raised questions qua veracity of the case and signaled towards consultation, concoction, inducement and procurement on the part of prosecution---Forty five cartons were checked and only footballs were found therein, on further checking of two cartons, heroin was found therein---Prosecution witnesses could not separately point out before the court about the cartons from which heroin was allegedly recovered and could not prove safe custody and transmission of heroin to the Government Analyst---Prosecution witness deposed before court that he handed over recovered parcel to other prosecution witness who

deposed on the same lines---Complainant deposed that he transmitted the recovered parcel to the Government Analyst---Report of Government Analyst revealed that he received parcels/samples from Incharge Anti-Narcotic Force by hand---Government Analyst had not mentioned the protocols of tests conducted by him which made the report inconclusive and rendered the same invalid and not reliable for the purpose of conviction---Appeal was allowed in circumstances and conviction and sentence recorded against accused was set aside.**2019 YLR Lah 925**

25. R. 3---Control of Narcotic Substances Act (XXV of 1997), S. 9---Possession of narcotic---Narcotic Testing Laboratories---Qualification of Government Analyst---Supreme Court directed that the Federal Government and the respective Provincial Governments shall ensure that the Government analysts in the Narcotics Testing Laboratories were qualified as per R. 3 of the Control of Narcotic Substances (Government Analysts) Rules, 2001('the Rules'); that the tests and their protocols were common across the country and as per International guidelines; that the officials of the National and Provincial Narcotics Testing Laboratories shall follow the Rules in the best manner possible so that efficient and meaningful chemical analysis could be achieved, and that in case of failure, disciplinary action shall be taken against the officials, in accordance with law.**2018 SCMR 2039**
26. Ss. 9(c), 2(t), 2(w) & 2(x)---Control of Narcotic Substances (Government Analysts) Rules, 2001 , R. 6---Possession of narcotic substance---Reappraisal of evidence---'Crushed poppy heads' recovered from accused persons---Chemical Examiner's report not clearly and legibly mentioning percentages of Meconic Acid, Sulphuric Acid, Porphyroxin, Alkaloids, Morphine and Codeine in the sample---Gross negligence on part of Chemical Examiner---Accused persons applying for re-examination of sample by another Laboratory but subsequently abandoning such plea---Presumption that accused persons apprehended result of re-examination of sample adverse to them. **2016 SCMR 621**
27. Criminal Procedure Code (V of 1898), Ss. 497 & 498---Recovery of narcotic drugs--- bail, grant of--- Categorizing of sentence---Neither categorization of sentencing nor any guess work or speculative exercise could be undertaken by court at bail stage to enlarge an accused on bail in such crimes--- Such

categorization amounts to pre-empting the mind of Trial Court, controlling its powers in the matter of sentencing accused and determining quantum of sentence upon his conviction **2015 SCMR 1077**

28. S. 497(5)---Control of Narcotic Substances Act (XXV of 1997), S. 9(c)--- Possession of narcotic drugs---Application for cancellation of post arrest bail--- Applicant was alien to the proceedings and allowing him to move an application for cancellation of bail would open a floodgate permitting every private individual to settle his personal scores with an accused booked in FIR bearing no direct nexus with that person---Allowing a private individual to move for cancellation of bail allowed to an accused wherein such person was neither a complainant, a witness nor directly aggrieved in any manner would be in complete negation of the mandate of Chapter XXXVIII of Cr.P.C. and it would certainly disturb the fiber of law and frustrate the object and scheme of prosecution---Without touching upon the merits of the case, High Court held that application was not maintainable on account of lack of locus standi which was dismissed accordingly.**2018 YLR 124**
29. Ss. 9(c) & 48---Criminal Procedure Code (V of 1898), S. 417---Possession, import or export, trafficking or financing trafficking of narcotics---Appeal against acquittal---Appreciation of evidence---Case property/recovered substances, safe custody of---Principles---Nothing was available on record to establish as to in whose presence the case property had been de-sealed and second sample (as directed by the court) obtained for sending the same to Chemical Examiner---Mere deposition of the prosecution witnesses was not sufficient to prove the safe custody of the case property---Prosecution had not produced the police official before the Trial Court, through whom said second sample of substance had been sent to the Chemical Examiner, which falsified the prosecution case---In absence of any concrete evidence that the recovered substance had been kept in safe custody or that samples had been taken from the recovered substance and transmitted to the office of Chemical Examiner without the same being tampered with or replaced during the transit, the prosecution case could not be said to have been proved--- Report of Chemical Examiner did not carry any weight especially in absence of any evidence with regard to the safe custody of recovered substance and safe transmission of the samples to the office of Chemical Examiner---Trial Court had

rightly acquitted the accused giving him the benefit of the doubt---Appeal against acquittal was dismissed accordingly.**2017 P.Cr.L.J 349**

30. Ss. 9, 36 & 48---Possessing and trafficking narcotics---Appreciation of evidence---Report of Chemical Examiner---Application for fresh analysis of the contraband---Dismissal of application---Appellant/accused, was found in possession of three cans, each containing twenty seven litres of Acetic Anhydride, a contraband designated as psychotropic substance under the Control of Narcotic Substances Act, 1997---Trial was in progress, and evidence of recovery witnesses, had already been recorded; the Report of Chemical Examiner was before the court---Appellant, being dissatisfied with the report of Chemical Examiner, moved application for fresh analysis of the contraband for the purpose of determination of its chemical composition---Contention of appellant was that it would be in the interest of justice that the seized contraband be sent to any laboratory other than Punjab Forensic Science Agency---Validity--- State functionaries and institutions, were tasked to carry out the job; there was presumption of genuineness to such pursuits---Said powers could not be delegated to private enterprises chosen by a person confronting indictment---Any flaw or defect in the Forensic Report, could not be pressed into service for fresh analysis---Accused was not required to establish his innocence through such methodologies---Forensic analysis of the contraband, in the case, was undertaken soon after registration of the case; it was intriguing as to how the appellant became suspicious about the psychotropic character of the stuff attributed to him---Appellant having denied the charge, no onus was cast upon him within the contemplation of Art. 119 of the Qanun-e-Shahadat, 1984 to discharge any responsibility which could necessitate the proposed exercise---Appeal was dismissed .**2017 PCr.LJ 1652**

31. Ss. 9(c), 47 & 48---Criminal Procedure Code (V of 1898), Ss. 435 & 439---Possession of narcotic drugs---Criminal revision under Ss. 435/439, Cr.P.C.---Maintainability---Complainant assailed the vires of judgment passed by Special Court which on confessional statement of accused had convicted him under S. 9(c), Control of Narcotic Substances Act, 1997---Section 47 of Control of Narcotic Substances Act, 1997 had made Code of Criminal Procedure Code, 1898 applicable to trial and appeals before a Special Court---Section 48 of the Act

contemplated an appeal to High Court against an order passed by a Special Court comprising Sessions Judge or Additional Sessions Judge and in the present case, the Court was that of Sessions Judge thus Ss. 435 & 439, Cr.P.C. would be inconsistent to Ss. 47 & 48 of Control of Narcotic Substances Act, 1997---Order passed under the Act could not be assailed by invoking revisional jurisdiction of High Court---Criminal revision was dismissed being not maintainable. **2017 PCr.LJ 1193**

32. Ss. 9(b) & 47---Probation of Offenders Ordinance (XLV of 1960), Ss.3 & 5---Criminal Procedure Code (V of 1898), S.562---Possessing and trafficking narcotics---Sending accused on probation---Appreciation of evidence---Heroin weighing 450 grams was recovered from female accused, whereas 300 grams from male accused who was juvenile---Accused persons, who made confession, and both admitted that narcotic in question, was recovered from them---Accused persons, requested for pardon, with an undertaking that in future they would never indulge in such like activity---On the basis of said confessional statements Trial Court convicted accused persons under S.9(b) of the Control of Narcotic Substances Act, 1997, and sentenced them to R.I. for two years and nine months, each with fine of Rs.20,000 each, with benefit of S.382-B, Cr.P.C.---Accused persons were dealt with under S.5 of Probation of Offenders Ordinance, 1960, and given under the supervision of the Probation Officer for a period of three years; with the reasoning that female was of young age and household lady, whereas male accused was a juvenile being less than 18 years, and also sole earning member of his family---Said order of sending accused persons on probation was objected to by Special Prosecutor for ANF, contending that court constituted under Control of Narcotic Substances Act, 1997, was not at all competent to send accused persons on probation---Under S.3 of Probation of Offenders Ordinance, 1960, High Court, a court of Session, a Magistrate 1st Class, and any other Magistrate, especially empowered in that behalf, could exercise powers under said Ordinance, whether the case came before it for original hearing, or in appeal or in revision---Provisions of Code of Criminal Procedure, 1898, would be applicable during trial and appeal, unless not expressly excluded---Criminal Procedure Code, 1898 being applicable to narcotic cases, S. 562, Cr.P.C., could not be brushed aside---Court in narcotic case, if deemed it proper, could send accused on probation---Objection being



misconceived was rejected; and appeal having no force, was dismissed. **2016 PCrLJ 953**

33. S. 47---Criminal Procedure Code (V of 1898), Chapters, XXXI & XXXII & Preamble---Application of Cr.P.C. to trials and appeals before a Special Court, Control of Narcotic Substances---Scope---Provisions of S.47 of the Control of Narcotic Substances Act, 1997 made Cr.P.C. applicable "to trials and appeals before a Special Court" under the Act of 1997, which showed that only the procedure provided in Cr.P.C. was applicable to trials and appeals provided for under the Act of 1997---Section 47 of Control of Narcotic Substances Act, 1997 had not transposed any remedy of appeal or revision from Cr.P.C. to the Act of 1997.**PLD 2013 SC 361**

34. S. 47---Possession of narcotics---Application of Code of Criminal Procedure, 1898---Scope---Criminal Procedure Code, 1898 would apply to the trials and appeals before the Special Court---Legislature having used two words "trials and appeals", had specifically ousted the revisional jurisdiction of High Court; and whether or not it could be construed so, the Cr.P.C. would only apply to trials and appeals---`Special Court' as defined in Control of Narcotic Substances Act, 1997 did not include High Court---Section 47 of Control of Narcotic Substances Act, 1997, was not attracted to the appeal placed before the High Court. **PLD 2010 page 498**

35. Ss. 34, 35 & 47---Criminal Procedure Code (V of 1898), S.510, Proviso---Chemical Examiner's report---Report not strictly in accordance with provisions of Ss.34 & 35 of Control of Narcotic Substances Act, 1997---Applicability of S.510, Cr.P.C.---Scope---Section 47 of Control of Narcotic Substances Act, 1997 provided that provisions of Criminal Procedure Code, 1898 were applicable to trial before Special Court under Control of Narcotic Substances Act, 1997---Section 510, Cr.P.C. initially made report of Chemical Examiner admissible in evidence but through Law Reforms Ordinance, 1972, section 510, Cr.P.C. was amended by adding a Proviso to the said section whereby Court had got ample power to summon and examine the expert, if his report was dubbed as meagre, cryptic and incomplete---Chemical Examiner's report was admissible as per Scheme of S.47 of the Act, 1997 with S.510, Cr.P.C.---If the accused was dissatisfied with Chemical



Examiner's report he might have summoned the Chemical Examiner and examined him in that respect. **2007 PCr.LJ 156**

36. Ss 9(c), 25 & 29---Smuggling of narcotics--- Appreciation of evidence--- Statements of prosecution witnesses had no material discrepancies---minor discrepancies and innocent admissions during cross-examination were natural due to a lapse of more than three years--- ---Provisions of Ss.20, 21 and 22 of the said Act being directory in nature, their non-compliance would not make the trial bad in the eyes of law---Charas and opium had been recovered from the car in possession of accused, technicalities of any nature could be overlooked in the larger interest of the country, if the case otherwise stood proved--- Appeals were dismissed in circumstances. **2012 YLR 805**



## **PUNJAB JUDICIAL ACADEMY**

15-Fane Road, Lahore

Tel:042-99214055-58

Email: [info@pja.gov.pk](mailto:info@pja.gov.pk)