

Ex-postman wrongly convicted

High Court overturns drug sentence

IPOH: A former postman convicted of drug possession was freed when the High Court here overturned a lower court decision to sentence him to two years' jail and three strokes of rotan.

In allowing the appeal by Abu Bakar Mohd Sahol Hamid yesterday, Judicial Commissioner Ridwan Hashim ruled that Abu Bakar was wrongly convicted four years ago.

He said the defence had successfully cast doubts on the prosecution's case by raising the issue of exclusive possession of the drug found in a school bag that purportedly belonged to Abu Bakar.

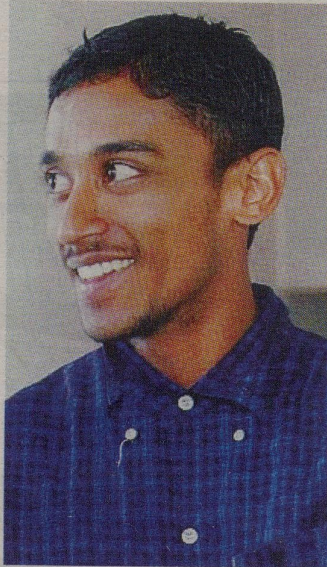
"The proof of possession of the drug is vital before a person can be convicted of the offence.

"With doubts cast on the exclusivity of possession, this court has no alternative but to acquit him (Abu Bakar)," said Ridwan in his judgment yesterday.

In Oct 2003, the Teluk Intan magistrate's court sentenced Abu Bakar to two years jail and three strokes of rotan after he was found guilty of possessing 36.79gm of drug.

Abu Bakar, from Kampung Bahagia in Teluk Intan, was alleged to have possessed the drug when police found the substance on his motorcycle during a search at Jalan Padang Tembak at 1am on Sept 11, 2001.

Earlier, defence counsel **Terence Naidu** submitted that the drug was discovered after Abu Bakar and his two pillion



Free man: Abu Bakar leaving the courtroom yesterday.

riders were stopped by police for riding without crash helmets.

He said it was during the search that police found a plastic bag containing white powder from the school bag in the basket of his motorcycle.

"If Abu Bakar was really carrying the drug, he would not have deliberately ridden the motorcycle without wearing a helmet as this would only draw the police attention to him," he said.

He added that the prosecution had failed to establish proof beyond reasonable doubt that the bag, which contained the drug belonged to Abu Bakar.