

3

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 2/4 of 2023
Miraj Gul ___ vs ___ State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	06/01/2023	<p>Mr. Abid Ali Advocate for petitioner and Mr. Naid Wali Assistant Public Prosecutor for State are in attendance. Arguments heard; whereas, this is the disposal of petition for grant of post arrest bail.</p> <p>2. This Post arrest bail application is presented by accused/petitioner Miraj Gul s/o Khumar Gul r/o Qaum Mishti, Tappa Darvi Khel Tagha Sam, District Orakzai.</p> <p>3. Muhammad Younis, SHO of Police Station Central Mishti Mela, Orakzai was reportedly available on barricade at Main Road Hassan Zai. One Motorcycle was suspected and sensing the gravity of situation, the driver turned back the Motorcycle but was overpowered. The person sitting on the back seat of Motorcycle escaped lifting behind sack of chars measuring 9900 grams; whereas, the driver of Motorcycle was arrested on the spot having white sack of chars measuring 2400 grams. Sample of 10 grams has been separated for its analysis through lab. Card of arrest has been issued; recovery memo was prepared and Murasila was drafted for brining criminal law into motion. Resultantly, FIR bearing No. 45 dated: 29/11/2022 was registered against the accused by attracting Section 9-D of the Control of KP Narcotics Substances Act, 2019 in Police Station Central Mishti Mela of District Orakzai. The accused being arrested on spot was later on investigated who revealed the name of present petitioner as co-accused. On arrest and completion of physical custody, he was remanded to Judicial Lockup. Consequently, application for release of accused on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned</p>

(Signature)
SAYED FAZAL WADOOD
 District & Sessions Judge
 Orakzai at Hangu

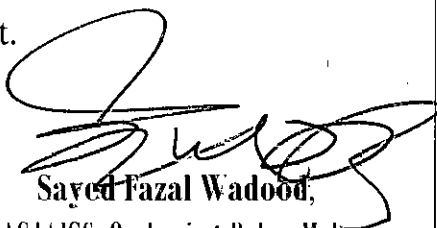
Assistant Public Prosecutor for State were heard at length and file gone through.

5. This is tentative assessment of record available on file as deep appreciation is neither required nor warranted at this stage of bail. The accused/petitioner was allegedly carrying chars in white sack measuring 9900 grams left behind while escaping from the spot; but, no private witness has been associated with the recovery proceedings. The petitioner has been nominated on pointation of accused arrested on the spot but there is no sketch of the accused recorded during the investigation despite being claimed to be seen on the spot. Similarly, no identification parade has been conducted after arrest of such accused. Recovery has not been made from direct possession of the petitioner nor has he been arrested on the spot. The report of the Forensic Science Laboratory is still awaited and determination of the recovered material as chars is pre mature. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 150,000/-; with two sureties, each in the like amount; to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.


Sayed Fazal Wadood,
ASJ/JSC, Orakzai at Baber Mela