

IN THE COURT OF SHAUKAT AHMAD KHAN  
SESSIONS JUDGE/JUDGE SPECIAL COURT,  
ORAKZAI AT BABER MELA

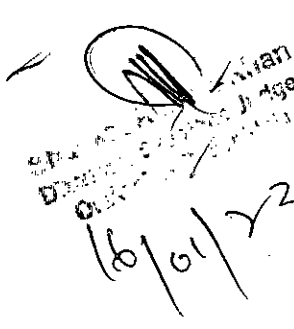
Bail Application No. : 7/4 of 2023  
Date of Institution : 13.01.2023  
Date of Decision : 16.01.2023

MUHAMMAD JABIR VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Muhammad Jabir** s/o Ajmal Khan seeks his post-arrest bail in case FIR No. 01, dated 07.01.2023 registered U/S 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 at Police Station Mishti Mela, wherein, as per contents of FIR, the local police having laid a picket on the spot, stopped a person walking on foot from Mishti Mela, holding a plastic shopping bag in his hand, the search of which led the complainant to the recovery of 3000 grams of chars. Hence, the present FIR.

  
Sessions Judge  
Orakzai  
16/01/23

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is

charged, attracts prohibitory clause of section 497 Cr.P.C.; however, the place of occurrence is a public place and the occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Moreover, the FSL report is not available on file as to show that whether the recovered substance was actually chars or otherwise.

4. Accordingly, for the reasons mentioned above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court/Judicial Magistrate. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on judicial/police record. Consign.

**Pronounced:**

16.01.2023



**SHAUKAT AHMAD KHAN**  
Sessions Judge/ Judge Special Court,  
Orakzai at Baber Mela