

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

BA No. 8/4 of 2023
Mahmood Khan 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 No	30/01/2023	<p>Mr. Abid Ali Advocate for accused/petitioner; Mr. Nisar Ahmad APP for State, are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Mahmood Khan s/o Dilzar Khan r/o Quam Aka Khel District Khyber.</p> <p>3. Mr. Shal Muhammad, SHO of Police Station Kalaya, Orakzai was reportedly on patrolling of the area. One Mahmood Khan s/o Dilzar Khan was coming from Bezot side by foot and was stopped by the complainant on suspension. On suspicion, he was searched and 01 plastic shopper in left hand containing 3000 grams of chars were found in possession of such person. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 07 dated: 24.01.2023 was registered against the accused by attracting Section 9-C of the Control of KP Narcotics Substances Act, 2019 in Police Station Kalaya of District Orakzai. The accused was arrested on spot who was later on 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 Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file and deep appreciation is neither required nor warranted at this stage. The accused/petitioner was allegedly carrying chars in shopper in left hand and was arrested on the spot; but, no private witness has been associated with the recovery proceedings. The quantity of 3000 grams of chars was allegedly recovered from his direct and personal possession; yet, report of the Forensic Science Laboratory</p>

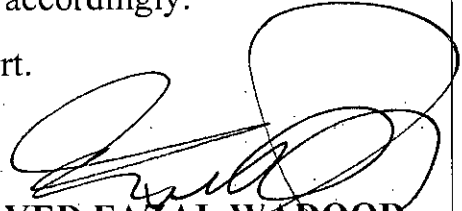
SAYED FAZAL WADGOD
Addl: District & Sessions Judge
Orakzai at Hangu

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 120,000/-; with 02 sureties, each in the like amount; to the satisfaction of this Court.

7. File 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
Additional Sessions Judge/JSC
Orakzai at Baber Mela