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

Bail Application No. : 10/4 of 2023
Date of Institution : 30.01.2023
Date of Decision : 01.02.2023

ABDUL WALI VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan
Advocate for accused/petitioner present. Arguments
heard and record gone through.

2. Accused/petitioner, Abdul Wali s/o Nazir Khan
seeks his post-arrest bail in case FIR No. case FIR no.
09, dated 28.01.2023, u/s 9 (d) CNSA of PS Kalaya,
wherein as per contents of FIR, the local police during
routine patrolling, laid a picket on the spot, where a
person riding a motorcycle on way towards the spot,
was stopped for the purpose of checking. Upon his
personal search nothing incriminating was recovered
from his possession while the search of the
motorcycle, led the complainant to the recovery of 02
packets of chars, weighing on 2000 grams of chars
from blue colour plastic shopper having on his
motorcycle. Hence, the present FIR.

3. It is evident from the record that though the
accused/petitioner is directly nominated in the FIR but
the place of occurrence is a public place and the

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District & Sessions Judge,
Orakzai at Baber Mela
01/02/23

(b)

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 to show that whether the recovered substance actually chars or otherwise. Furthermore, the accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. The investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.

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 the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction Judicial Magistrate/MOD. The sureties must be local, reliable and men of means.

5. Police record be returned and file of this court be consigned to record room.

Pronounced:
01.02.2023



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

