

(5)

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

Bail Application No. : 13/4 of 2023
Date of Institution : 06.02.2023
Date of Decision : 08.02.2023

JALIL VS THE STATE

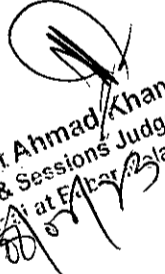
ORDER

DPP, Umar Niaz for the State and Muhammad

Wahid Miraj Advocate for accused/petitioner present.

Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Jalil** s/o Tor Khan seeks his post-arrest bail in case FIR no. 13, dated 03.02.2023, u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 of Police Station Kalaya, wherein as per contents of FIR, the local police having laid a picket were present on the spot where at about 1600 hours a person holding a blue colour plastic bag in his right hand on way from Headquarter chowk towards the spot, was stopped for the purpose of checking. Nothing incriminating was recovered from his personal search while search of the plastic bag led the complainant to the recovery of 02 packets of chars, each weighing 1000 grams, making a total of 2000 grams. Hence, the present FIR.


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and huge quantity of chars have been recovered from his possession but the place of occurrence is a public place

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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. The FSL report is not available on file to show that whether the recovered substance was actually chars or otherwise. Moreover, the recovery memo does not bear the names and signatures of marginal witnesses. Furthermore, the accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

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. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
08.02.2023



SHAUKAT AHMAD KHAN
Session Judge/Judge Special court,
Orakzai at Baber Mela