

(5)

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

Bail Application No. : 14/4 of 2023  
Date of Institution : 06.02.2023  
Date of Decision : 08.02.2023

MUNIR KHAN 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, **Munir Khan** s/o Fazal Azeem seeks his post-arrest bail in case FIR no. 14, 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 1700 hours a person riding a motorcycle on way from Sheeraz Garhi towards the spot, was stopped for the purpose of checking. Nothing incriminating was recovered from his personal search while search of a plastic bag placed on oil tank of the motorcycle 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

88/07/23

(6)


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 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 to show that whether the recovered substance was 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.

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 Spécial court,  
Orakzai at Baber Mela