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

Bail Application No. : 20/4 of 2023
Date of Institution : 13.02.2023
Date of Decision : 15.02.2023

ITEZAZ HASSAN 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, **Itezaz Hassan** s/o Bahadar Hussain, after being refused to be released on bail vide order dated 11.02.2023 of learned Judicial Magistrate, Tehsil Kalaya, District Orakzai, seeks his post-arrest bail in case FIR No. 12, dated 03.02.2023 registered u/s 11-A of the Khyber Pakhtunkhwa CNSA, 2019 at Police Station Kalaya, wherein, as per contents of FIR, the complainant along with other police officials during patrolling laid a picket on the spot where at about 1300 hours a person on way from Kalaya Bazar towards the picket was stopped who disclosed his name as Itezaz Hassan, the accused/petitioner whose personal search led the complainant to the recovery of a plastic bag containing 40 grams of ice from his side pocket. Hence, the present FIR.

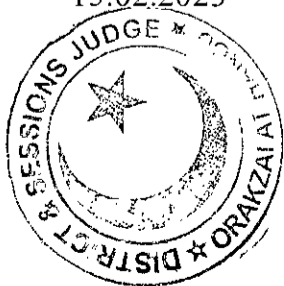
3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR but the place of occurrence is a public place and the


Shaukat Ahmad Khan
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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 ice or otherwise. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation. Above all, the offence for which the accused/petitioner is charged does not attract the prohibitory clause of section 497 Cr.P.C.

4. Hence, in view of what is discussed 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 Judicial Magistrate concerned/MOD. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
15.02.2023




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