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

Bail Application No. : 21/4 of 2023
Date of Institution : 13.02.2023
Date of Decision : 15.02.2023

SYED MATLOOB HUSSAIN VS THE STATE

ORDER

DPP, Umar Niaz for the State and Wahid Miraj Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Syed Matloob Hussain** s/o Syed Amal Badshah seeks his post-arrest bail in case FIR No. 04, dated 09.02.2023 registered u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 at Police Station Kurez, wherein, as per contents of FIR, the local police having laid a picket on the spot, stopped a flying-coach bearing Registration No. R8215/Peshawar wherefrom a person having a plastic bag in his lap occupying rear seat of the vehicle was deboarded. The search of the bag led the complainant to the recovery of 01 packet of chars weighing 1000 grams. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of section 497 CrPC; however, the place of occurrence is a public

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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 even any of the passenger or the driver of the vehicle has not been associated as witness with the occurrence. Moreover, the FSL report is not available on file to show that whether the recovered substance was actually chars 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.

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 the 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