

(9)

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

Bail Application No. : 25/4 of 2023
Date of Institution : 24.02.2023
Date of Decision : 02.03.2023

RIAT KHAN VS THE STATE

ORDER

DPP, Umar Niaz for the State and Hamid

Sarfaraz Advocate for accused/petitioner present.

Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Riat Khan** s/o Ali Baz

Khan seeks his post-arrest bail in case FIR No.

122, Dated 16.12.2022 registered u/s 9 (d) of the

Khyber Pakhtunkhwa CNSA, 2019 at Police

Station Kalaya, wherein, as per contents of FIR,

the complainant along with other police officials

acting on information regarding smuggling of

narcotics via pick-up by the accused/petitioner to

District Khyber, laid a picket on the spot where a

pick-up bearing Registration No. BD6881 of red

colour driving by the accused/petitioner was

stopped for the purpose of checking. The

accused/petitioner was deboarded and his person

was searched but nothing incriminating was

recovered from him. However, search of pick-up

led the complainant to the recovery of 07 packets

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and 08 packets of chars, each weighing 1000 grams, from two secret cavities respectively in the body of pick-up. Hence, the present FIR.

3. It is evident from the record that the accused/petitioner is directly nominated in the FIR with a huge quantity of chars recovered from his possession. The offence for which the accused/petitioner is charged, attracts prohibitory clause of section 497 CrPC. The report of FSL is available on file which supports the case of prosecution. Moreover, sufficient material is available on file which reasonably connects the accused/petitioner with the commission of offence. So far, the points raised by the counsel for accused/petitioner to the extent of non-association of private witnesses with the occurrence, the delay in sending samples to FSL and the statement of official who has taken the samples to FSL recorded u/s 161 CrPC on 20.12.2022, involve deep appreciation of evidence, which is not allowed at bail stage. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless. Consign.

Pronounced:
02.03.2023

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

