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

Bail Application No. : 28/4 of 2023
Date of Institution : 06.03.2023
Date of Decision : 08.03.2023

ANAS KHAN VS THE STATE

ORDER

DPP, Umar Niaz for State and Farid Ullah Shah Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Anas Khan** s/o Sultan Akbar seeks his post-arrest bail in case FIR No. 12, dated 04.03.2022, u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 of Police Station Mishti Mela, wherein as per contents of FIR, the complainant along with other police officials having laid a picket on the spot, at about 1200 hours stopped a person holding a white colour plastic bag on way from Mishti Khel towards the picket but nothing incriminating was recovered from his personal search. The search of the plastic bag led the complainant to the recovery of 1100 grams of chars. Hence, the present FIR.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
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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 but the place of occurrence is a public place and the occurrence has allegedly taken place during broad

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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 has not yet received 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/MOD concerned. The sureties must be local, reliable and men of means.

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

Pronounced:
08.03.2023



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

