

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 20/4 of 2023
Munir Khan Vs State

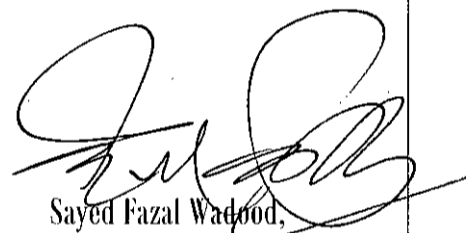
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	15/03/2023	<p>Mr. Sana Ullah Khan Advocate for accused/petitioner and APP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Munir Khan son of Fazal Azeem, resident of Qaum Stori Khel, Tappa Lalbi Khel District Orakzai.</p> <p>3. Mr. Mujahid Khan SI and other Police Officials of Police Station Kurez Boya, Orakzai were on patrolling of the area. Meanwhile, a person was coming on his Motorcycle towards the barricade while having sack on tank of his Motorcycle. On suspicion, he was stopped and searched. Upon search, the SHO found 10,000 grams of chars in the sack possessed by the accused/petitioner. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 05 dated: 10/02/2023 was registered by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019 in Police Station Kurez Boya of District Orakzai. The accused was arrested on the spot and was later on remanded to Judicial Lockup. Consequently, application for release of the accused named above on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file as deep appreciation of case file is neither required nor warranted at this stage. The accused/petitioner was allegedly carrying chars and was arrested on the spot. The huge quantity of 10,000 grams of chars was allegedly recovered from the sack which was in direct possession of</p>

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accused that has been supported with ocular evidence of the witnesses recorded on memorandum of recovery. The parcel separated for the purpose of examination through channel of Forensic Science Laboratory have promptly been sent. The huge quantity of chars apparently rules out the chance of false implication. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. Arrest of accused/petitioner on the spot and recovery of huge quantity of chars connect the accused/petitioner with the commission of offence on its face and thus the Court is not inclined to extend him concession of bail.

6. For what has been discussed above, instant bail petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela