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

Bail Application No. : 29/4 of 2023
Date of Institution : 15.03.2023
Date of Decision : 16.03.2023

NAVEED ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan

Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, Naveed Ullah s/o Azeem Khan seeks his post-arrest bail in case FIR no. 09, dated 08.03.2023, u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 of Police Station Kurez Boya, wherein as per contents of FIR, the local police during routine patrolling, having laid a picket on the spot, at about 1400 hours stopped a flying-coach on way from Kalaya towards the picket. A person occupying right seat of third row of the vehicle was deboarded whose personal search led the complainant to the recovery of 02 packets of chars, each weighing 1000 grams, making a total of 2000 grams from his trouser-fold. 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; 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 as to 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. Accordingly, for the reasons mentioned 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 Judicial Magistrate/MOD concerned. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on police/judicial file.

Pronounced:
16.03.2023




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