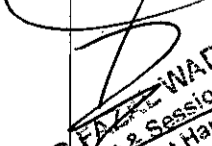


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IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA

BA No. 27/4 of 2023
Imtiaz 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	10/04/2023	<p>Mr. Faqeer Mehbood-ul-Hameed Advocate for petitioner and District Public Prosecutor for State are in attendance. Arguments heard; whereas, this is the disposal of petition for grant of post arrest bail.</p> <p>2. This Post arrest bail application is presented by accused/petitioner Imtiaz Khan s/o Muhammad Ali r/o Ghazni Khel, Kakka Khel, Tehsil and District Lakki Marwat.</p> <p>3. Mujahid Khan, SI/NET of Police Station Kalaya, Orakzai received spy information regarding the smuggling of chars in Motorcar bearing No. BFR-596 from Feroz Khel to District Khyber. He along with other Police officials established barricade and intercepted the vehicle. SHO found the petitioner and co-accused boarded in the car. Search of the vehicle led the police to the recovery of 25 packets of chars allegedly stored in the secret cavities. Each packet was weighing 1000 grams with total of 25,000 grams of chars recovered. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 20 dated: 01/03/2023 was registered by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019 in Police Station Kalaya 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</p>


SAVED FAQEEER MEHBOOD-UL-HAMEED
District & Sessions Judge
Orakzai at Hangou

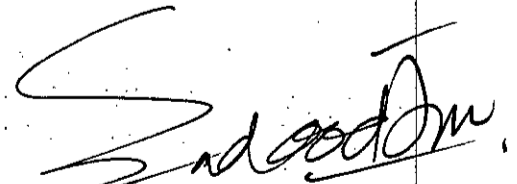
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file as deep appreciation of case file is neither required nor warranted at this stage. The accused/petitioner along with co-accused were allegedly carrying chars and arrested on the spot. The huge quantity of 25,000 grams of chars was allegedly recovered from the secret cavities of the vehicle which was in the constructive possession of 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 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 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. Besides, an application for put in Court of the case has also been annexed with the bail petition. The FIR has been registered on 01-03-2023 and the prescribed time for submission of challan has already been lapsed; therefore, the Area Magistrate of Police Station Kalaya shall insure the timely submission of challan.

8. Announced in open Court.



Sayed Fazal Wadood,
ASJ/JSC, Orakzai at Baber Mela