

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

Bail Application No. : 31/4 of 2023
Date of Institution : 18.04.2023
Date of Decision : 19.04.2023

TAHIR VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan
Advocate for accused/petitioner present.
Photocopies of record received. Arguments heard
and record gone through.

2. Accused/petitioner, Tahir s/o Sarfaraz Khan
seeks his post-arrest bail in case FIR No. 39, dated
15.04.2023, u/s 9 (d) CNSA of Police Station Kalaya,
wherein, as per contents of FIR, the local police
having laid a picket were present on the spot, where
at about 1500 hours a person riding a motorcycle on
way towards the picket was stopped for the purpose
of checking. Upon his personal search nothing
incriminating was recovered from his possession
while the search of the motorcycle led the
complainant to the recovery of 02 packets of chars,
weighing 1000 grams of chars, making a total of
2000 grams. Hence, the present FIR.

3. It is evident from the record that though the
accused/petitioner is directly nominated in the FIR
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 is not available on file to show that whether the recovered substance was actually chars or otherwise. Furthermore, the accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. The 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 concerned/MOD. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
19.04.2023




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