

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

BA No. 39/4 of 2023

Abid Saleem 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 No	06/05/2023	<p>Mr. Hassan Khan Advocate for accused/petitioner; Mr. Nisar Ahmed APP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Abid Saleem s/o Gul Ikram Khan r/o Takht-e-Nusrati, District Karak.</p> <p>3. Mr. Amanat Khan ASI Incharge Shaho Khel Post and other Police Officials of Police Station Central Mishti Mela Orakzai were busy in checking of vehicles. Meanwhile, two person were moving on their Motorcycle towards the barricade. On suspicion, they were stopped and searched. Upon search, the SHO found 150 grams of chars lying in the side pocket of the driver of the Motorcycle. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 16 dated: 03/05/2023 was registered against the accused by attracting Section 9-C of the Control of KP Narcotics Substances Act, 2019 in Police Station Central Mishti Mela of District Orakzai. The accused was arrested on spot who was later on remanded to Judicial Lockup. Consequently, application for release of accused 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 and deep appreciation is neither required nor warranted. The accused/petitioner was allegedly carrying chars in his pocket and was arrested on the spot; but, no private witness has been associated with the recovery proceedings. The quantity of 150 grams of chars was allegedly recovered from his direct and personal possession; yet, report of the Forensic Science Laboratory is still awaited and</p>

SAYED FAZAL WA DOOD
Additional District & Sessions Judge
Orakzai at Hangu

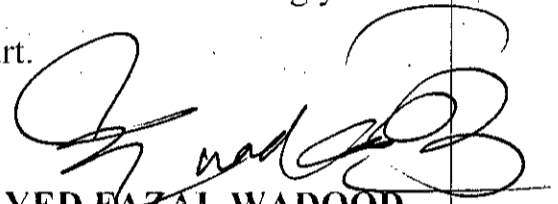
(4)

determination of the recovered Narcotics as chars is premature. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. The case of accused/petitioner is also not falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 80,000/-; with 02 sureties each in the like amount; to the satisfaction of this Court.

7. 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.

8. Announced in open Court.



SAYED FAZAL WADOOD
Additional Sessions Judge/JSC
Orakzai at Baber Mela