

**IN THE COURT OF SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI AT BABER MELA**

BA NO. : 85/BA OF 2020
DATE OF INSTITUTION : 03.09.2020
DATE OF DECISION : 07-09-2020
CASE TITLE : SAJI KHAN VS THE STATE
U/S : 9 (D) CNSA
FIR NO : 71
DATED : 03.07.2020
POLICE STATION : LOWER ORAKZAI

Superintendent Note: BA application presented through counsel, Mr. Sanaullah Khan Advocate to the office of Superintendent. Be put up before the Hon'ble District & Sessions Judge/Judge Special Court, Orakzai, for further orders, please.



(SUPERINTENDENT)

To Sessions Judge/Judge Special Court, Orakzai at Baber Mela.

Order No. 01

03.09.2020

BA application received from the office of Superintendent. Entrusted to the court of ASJ-I, Orakzai.



(ASGHAR SHAH)

Sessions Judge/Judge Special Court, Orakzai at Baber

Or 02

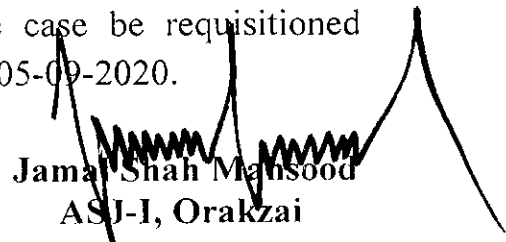
03-09-2020

Case file of BA received from the court of worthy D&SJ, Orakzai for disposal. Let it be registered.

Present

Sana Ullah Khan Advocate for accused/petitioner
APP Syed Aamir Shah for State

Let the record of the case be requisitioned through SHO/IO concerned for 05-09-2020.


Jamal Shah Mansood
ASJ-I, Orakzai


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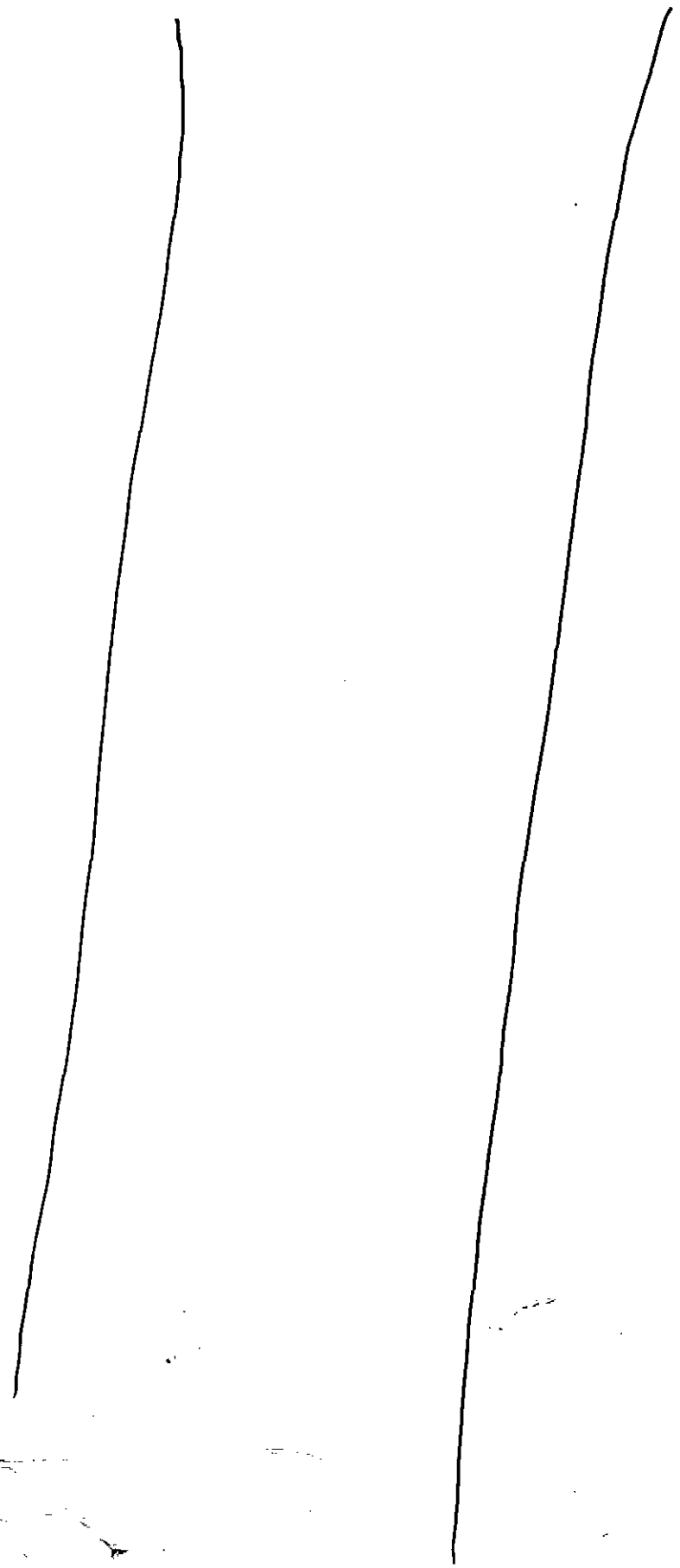
Or 03
05-09-2020

Present:

Sana Ullah Khan Advocate, for accused/petitioner
APP Syed Aamir Shah for State
Record received

The former requested for adjournment. Adjourned for arguments to 07-09-2020.


Jamal Shah Mansoor
ASJ-I, Orakzai



Present:

Sana Ullah Khan Advocate for the accused/petitioner
APP Syed Aamir Shah for State

This order shall dispose of **Post-arrest Bail Application** filed on behalf of accused/petitioner **Saji Khan** s/o Faqir Muhammad; caste Qamber Khel, village Said Khalil Baba, Lower Orakzai; who is confined in jail in case **FIR No. 71** dated 03-07-2020, u/s **9 (d) KP-CNSA** of PS Lower Orakzai.

Facts of the case, according FIR, are; that complainant ASHO, along with constables, was on routine patrol of the area when he received spy information about an impending attempt regarding transport of narcotics; that this police party laid a *naka* near a check-post; that one person, carrying a bag over his shoulders, was spotted approaching the *naka*; that on seeing the police party the said person turned back and started running; that the police party chased him but the person dropped the bag and vanished in nearby village. That, on checking, the plastic bag was found to contain 07 packets of chars weighing 1000 grams each (total 7000 grams). That the recovered substance was taken into possession and on spot inquiry the name of person was revealed to the complainant ASHO as Saji Khan (present accused/petitioner). On 29-08-2020, the accused/petitioner was arrested; hence, the instant petition.

Arguments heard and record perused, tentative assessment of which shows that:

1. The accused/petitioner was not arrested on the spot and the alleged narcotics was not recovered from his immediate possession.

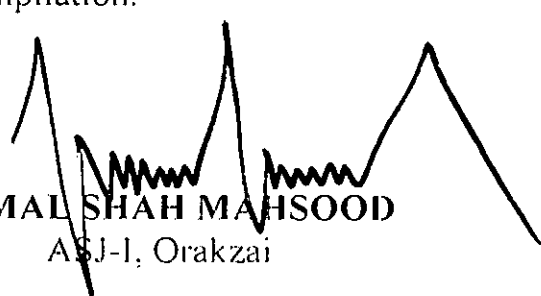
JAMAL SHAH MAHSUD
Addl: District & Sessions Judge-I,
Orakzai at Hangul

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2. The record is doubtful as to how the accused/petitioner was identified by complainant ASHO.
3. Safe and proper custody of allegedly recovered narcotics is not established from the record.
4. There is nothing on record to show that the accused/petitioner has previously remained involved in any criminal case. Investigation against the accused has been completed and no further evidence has brought on record against him.

In these circumstances the accused/petitioner has made out a case of further inquiry into his guilt for the purpose of grant of bail. Accordingly, instant petition is **allowed** and accused/petitioner, Saji Khan, is directed to be released on post arrest bail, subject to furnishing of bail bonds in the sum of **Rs. 100,000** with two sureties, each in the like amount, to the satisfaction of this court. Let a copy of this order be placed on record of the case and the same be returned to the quarter concerned. Let this file is to be consigned to record room after necessary completion and compilation.

Announced
07-09-2020


JAMAL SHAH MAHSOOD
ASJ-I, Orakzai