

IN THE COURT OF ADDITIONNAL SESSIONS JUDGE-II, ORAKZAI

BA NO.12/19
RAQEEM KHAN VS STATE

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ORDER
02/04/2019

Case file received from the court of District & Sessions Judge Orakzai.

It be entered in the relevant register.

Abid Ali advocate, learned counsel for the accused/ petitioner present.

Syed Amir Shah APP for the state present.

The accused/petitioner Raqem khan s/o Badar Shah r/o Lower Orakzai District Orakzai seeks his post arrest bail in case vide information report bearing no 2432/AC/L (Kalaya) dated 9/11/2018.

Brief facts of the case are that the accused/petitioner was arrested by HQ Orakzai Scouts 232 wing with the allegation of smuggling of Narcotics and were handed over on 08/11/2018 to District Administration Lower Orakzai vide information report bearing No. 2432/AC/L dated 09/11/2018, hence the accused/petitioner submitted post arrest bail application.

Arguments of the learned counsel for the accused/petitioner and APP for the state heard and record perused.

The tentative assessment of record necessary for the disposal of the bail applications would transpire that the complainant of the case who arrested the accused is not known nor there are any witnesses to the recovery proceedings. Furthermore, neither any recovery memo is prepared, nor the place of recovery is mentioned in the available record in the shape of site plane. No samples has been

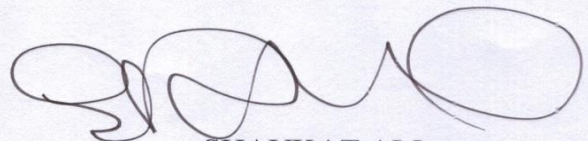
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separated for the purpose of report of the FSL to determined that whether the alleged contraband was chars or otherwise nor the FSL report to that affect is available on file up till now. The accused petitioner has been handed over to the then District Administration Lower Orakzai without any case property and the case property is still not available. The aforementioned facts make the case of accused/petitioner one of further inquiry. The accused / petitioner is behind the bar since his arrest. It would not be in accordance with the principles of best administration of justice to keep the accused/ petitioner behind the bar keeping in view the peculiar facts and circumstances of the case. The mere fact that huge quantity of contra bond has been recovered is not a bar to the grant of bail as the accused/ petitioner being able to make out an arguable case for the grant of bail. The accused/petitioner has already been interrogated in the case and is no more required in the case for the purposed of investigation.

In view of the above facts the bail petition of the accused/petitioner is accepted and the accused/ petitioner is ordered to be released on the bail subject to furnishing surety bonds in the sum of Rs. 100, 000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local and reliable persons.

File be consigned to the District Record Room Hangu after necessary completion and compilation.

Announced
2/04/2019



SHAUKAT ALI
Additional Sessions Judge,
Orakzai, at Hangu