

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

BA No. 56 of 2020

Diran Gul Vs State

ORDER

26.09.2020

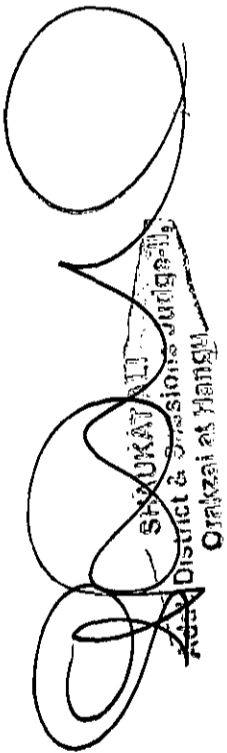
Sana Ullah Khan Advocate, learned counsel for accused/petitioner present. Syed Amir Shah, learned APP for State present.

Accused/petitioner Diran Gul s/o Khan Akber r/o Dolat Khel Bara Maidan District Orakzai is seeking his post arrest bail in case FIR No.45 dated 20.09.2020 u/s 9-D CNSA, PS Upper Orakzai District Orakzai.

Brief facts of the case are that on 20-09-2020 the complainant Naseem Khan SHO along with Arsal Khan SI, Dost Muhammad, Arman Khan and Muhammad Raheel constables were present at Dabori check post on barricade where a person was coming from Maidan side who had a sack on his shoulder was stopped on suspicion and on search of the sack 04 packet chars were recovered, that the chars was weighed on digital scale and on weighment each packet was 1020/1020 grams total 4080 grams whereas the sack was separately weighed which was 58 grams, that 10/10 grams were separated from each packets for the purpose of FSL analysis and sealed into parcels No.1 to 4 while rest of the chars and sack was sealed into separate parcels. The recovered chars along with sack was taken into possession and the accused/petitioner was arrested. The Murasila was drafted and sent to PS for registration of the case, on the basis of which instant FIR was registered against the accused/petitioner.

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

The tentative assessment of record would transpire that the chars weighing 4080 grams were recovered from the personal possession of the accused/petitioner which he was carrying in a sack on his shoulder for which the accused/petitioner could not put forward any plausible


SANA ULLAH KHAN
Advocate
District & Sessions Judge-II
Orakzai at Manshi

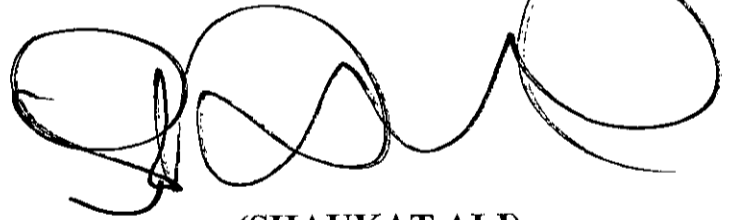
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explanation. The complainant took into possession the recovered chars in the presence of witnesses from the accused/petitioner and separated samples from each parcels for FSL which were timely sent to the FSL for chemical analysis. No ill-will was pointed out on the part of the complainant to falsely implicate the accused/petitioner and to plant huge quantity of chars against the accused in the instant case. The accused/petitioner on tentative assessment of record is prima facie connected with the commission of the offence. Furthermore, the case of the accused/petitioner does fall within the prohibitory clause of 497 Cr.P.C. Reasonable grounds exist to believe that the accused/petitioner is involved in the commission of offence, therefore this Court is not inclined to release the accused/petitioner on bail.

In view of above, instant bail petition, being devoid of merits, stands dismissed.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
26.09.2020



(SHAUKAT ALI)
Additional Sessions Judge-II/JSC,
Orakzai at Babar Mela