

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

BA No. 55 of 2020

Abdul Kareem Vs State

ORDER
28.09.2020

Learned counsel for accused/petitioner present. Javid Iqbal Anwar
Sr.PP for State present.

Accused/petitioner Abdul Kareem s/o Razim Shah r/o Tribe Feroz
Khel Tappa Jeesal Khel District Orakzai is seeking his post arrest bail in
case FIR No.101 dated 10.09.2020 u/s 9-D CNSA, PS Lower Orakzai
District Orakzai.

Brief facts of the case are that the complainant Hakeem Ali Shah
incharge Zera check post received spy information during gasht that chars
shall be smuggled through pickup No. B-9495 Kurram Agency from
Anjari to District Khyber and on that information the complainant along
with Nasir Hussain ASI , Sadar Ali HC and other police officials were
present on Ghoz Darah road at barricade when in the meanwhile from
Anjari side pickup appeared which was stopped and the driver was
deboarded who disclosed his name Abdul Karim s/o Razim Shah, that the
pickup was searched and during search from the secret cavity of the pickup
27 packets chars wrapped in a yellow scotch tap were recovered, that on
weightment each packet was 1200/1200 grams and total was 32400 grams,
10/10 grams were separated from each packets for the purpose of FSL
analysis and sealed in parcels No.1 to 27 while the remaining chars each
pakcet weighing 1190/1190 grams were sealed into parcels No 28 to 54.
The iron plate fixed on the secret cavity was also sealed into parcel No.
55. The recovered chars along with vehicle and iron plate were taken into
possession and the accused was arrested. The photographs of the secret
cavity was also taken. The Murasila was drafted and sent to PS for


SHANKAR ALI
Additional District & Sessions Judge
Orakzai

registration of the case, on the basis of which instant FIR was registered against the accused/petitioner.

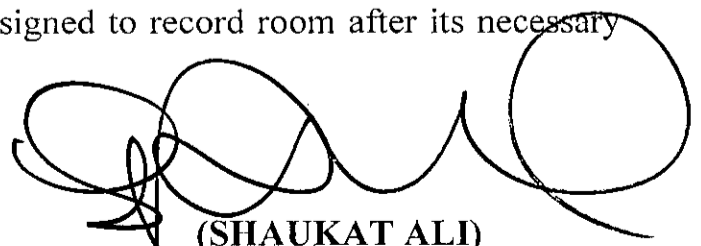
Arguments of learned counsel for the accused/petitioner and learned Sr.PP for the State heard and available record perused.

The tentative assessment of record would transpire that the accused/petitioner was arrested red handed and a huge quantity of chars weighing 32400 grams was recovered from the pickup vehicle which was driven by accused/petitioner whose was present all alone in the pickup and was driver of the said vehicle, therefore conscious knowledge of the accused/petitioner regarding the contraband in the vehicle could not be ruled out. The accused/petitioner could not put forward any explanation of the contraband recovered from vehicle which was in his immediate possession and control being driver. Furthermore, the recovery of contraband from the vehicle wherein the accused/petitioner was present and his arrest on the spot is supported by the witnesses to the recovery proceedings. No ill-will was pointed out on the part of the complainant and prosecution witnesses to falsely implicate the accused/petitioner and to plant huge quantity of chars against him in the instant case. Furthermore, the case of the accused/petitioner does fall within the prohibitory clause of 497 Cr.P.C, therefore the accused/petitioner on tentative assessment of record prima facie involved in the commission of offence which disentitles him for the grant of bail, hence this court is not inclined to release the accused/petitioner on bail.

In view of above, the bail petition, being devoid of merits, stand dismissed.

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

Announced
28.09.2020


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