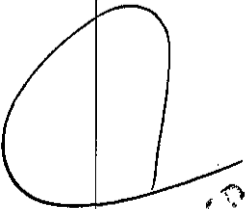


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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 32/4 of 2023
Munir Khan ___ 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	29/04/2023	<p>Mr. Zulqarnain Mehmood Afandi Advocate and Malik Muhammad Ali Akbar Advocate for petitioner and Mr. Nisar Ahmed Assistant Public Prosecutor for State are in attendance. Arguments have already been heard; whereas, this is the disposal of petition for grant of post arrest bail.</p> <p>2. This Post arrest bail application is presented by accused/petitioner Munir Khan s/o Resham Khan r/o Qaum Kamar Khel, Kalaya, District Orakzai.</p> <p>3. Nasir Ahmed, SI/NET of Police Station Kalaya, Orakzai has established barricade on spy information at Manzakhay Road. The Motorcycle was suspected but sensing the gravity of situation, the driver turned back the Motorcycle and both of them escaped leaving behind the Motorcycle and 02 sacks of chars measuring 13000 grams and 12000 grams with total of 25000 grams. Samples of 10 grams each have been separated for analysis through Forensic Science Laboratory. Recovery memo was prepared and Murasila was drafted for brining criminal law into motion. Resultantly, FIR bearing No. 16 dated: 11/02/2022 was registered against the accused by attracting Section 9-D of the Control of KP Narcotics Substances Act, 2019 in Police Station Kalaya of District Orakzai. On arrest and completion of physical custody, he was 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>


SAYED FAZAL WAHID
JUDGE

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5. This is tentative assessment of record available on file as deep appreciation is neither required nor warranted at this stage of bail. The accused/petitioner along with co-accused were allegedly carrying chars in sacks measuring 13000 grams and 12000 grams which were left behind while escaping from the spot; but, no private witness has been associated with the recovery proceedings. The petitioner has been nominated in the contents of FIR but not arrested on the spot. The recovery is also not conducted from direct possession of the accused. Similarly, no identification parade has been conducted after arrest of such accused. Recovery has not been made from direct possession of the petitioner nor arrested on the spot. The report of the Forensic Science Laboratory is still awaited and determination of the recovered material as chars is premature. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. All these facts renders the case of petitioner as one of further inquiry. Moreso, co-accused with similar role has already been extended concession of bail; therefore, rule of consistency is truly attracted to the present case.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 250,000/-; with two 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,
ASJ/JSC, Orakzai at Baber Mela