

IN THE COURT OF ADDITIONNAL SESSIONS JUDGE-II, ORAKZAI

BA NO.4/19
NAIMAT KHAN VS STATE

BA NO.10/19
SALEEB SHAH VS STATE

BA NO.11/19
IJAZ AHMAD VS STATE

ORDER

02/04/2019

Abid Ali Advocate, learned counsel for the accused/petitioners present. Syed Amir shah APP for the state present.

This order is intended to dispose of bail applications bearing No. 4/19 titled Naimat khan vs state BA No.10/19 titled Saleeb shah vs state BA No..11/19 titled Ijaz Ahmad vs state submitted by the accused petitioners Saleeb shah s/o Mir ullah khan r/o Zeena khel cast Feroz khel, Ijaz Ahmad s/o Noor Jamal r/o Zeena Khel caste Feroz Khel and Naimat Khan s/o Niaz Badar Khan r/o Zeena Khel caste Feroz Khel District Orakzai arrest vide information report bearing Endorsement No. 1980/AC/L, dated 14/09/2018 charged for the recovery of contraband.

Brief facts of the case are that the accused/petitioners were arrested by HQ Orakzai Scouts 232 wing chamanjana with the allegation of smuggling of Narcotics and were handed over on 14/09/2018 to District Administration Lower Orakzai vide information report bearing No. 1980/AC/L dated 14/9/2018, hence the accused/petitioner submitted post arrest bail application.

Arguments of the learned counsel for the accused/petitioners 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 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/petitioners one of further inquiry. The accused / petitioners are behind the bar since their arrest. It would not be in accordance with the principles of best administration of justice to keep the accused/ petitioners 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/petitioners have already been interrogated in the case and are no more required in the case for the purposed of investigation.

In view of the above facts the bail petitions of the accused/petitioners are accepted and the accused/ petitioners are 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

02/04/2019



(SHAUKAT ALI)

Additional Sessions Judge,
Orakzai, at Hangu