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

BA No. 68 of 2020

Sajid Vs State

ORDER
08.12.2020

The instant post arrest bail received from the court of Hon'ble Sessions Judge Orakzai. It be registered. Mr. Sana Ullah Khan Advocate counsel for accused/petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the State present.

Accused/petitioner Sajid s/o Akbar Khan r/o Qoam Kamar Khel, manzakhay District Orakzai is seeking post-arrest bail in case FIR No.119 dated 21/11/2020 u/s 9-D KP-CNSA of PS Lower Orakzai (Kalaya), wherein the accused/petitioner is charged for chars weighing 5450 grams which the accused/petitioner had allegedly thrown on the spot while fleeing from the police after seeing the police party.

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

The perusal of record would reveal that neither the accused/petitioner was arrested on the spot nor any recovery has been effected from the personal possession of the accused/petitioner as evident from the contents of Murasila. The accused/petitioner is charged that he had thrown the plastic shopper on seeing the police party however there is nothing on record to show that the fleeing person throwing the shopper containing chars was the accused/petitioner which makes the case of accused/petitioner one of further inquiry. Furthermore the accused/petitioner is juvenile who is under the age of 18 years and first offender as there is no history on his


SHAIKAT ALI
JSC: District & Sessions Judge II,
Orakzai at Manjra

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previous involvement in such like cases. The prosecution witnesses being official witnesses, hence there is no likelihood to tamper with the prosecution case if the accused/petitioner is released on bail. The investigation in the case is complete and the accused/petitioner is no more required for further investigation. In view of the peculiar facts and circumstances of the case the accused/petitioner has an arguable case for the grant of bail. Reliance is placed on the judgment of Peshawar High Court in Cr. M (BA) No. 2597-P/2020 titled Abdul Ullah vs State.

As sequel to the above discussion, bail application of accused/petitioner is accepted and he is directed to be released on bail subject to furnishing surety bonds in sum of Rs.100,000/- with two sureties each in the like amount to the satisfaction of this Court.

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

Announced
08.12.2020



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