

IN THE COURT OF SHAUKAT AHMAD KHAN  
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI  
AT BABER MELA

Bail Application No. : 48/4 of 2023  
Date of Institution : 25.05.2023  
Date of Decision : 26.05.2023

SHAMS UR REHMAN VS THE STATE

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ORDER

APP, Nisar Ahmad for State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Shams Ur Rehman** s/o Muhammad Yousaf seeks his post-arrest bail in case FIR No. 45, dated 28.04.2023, u/s 9 (d) CNSA of Police Station Kalaya, wherein as per contents of FIR, the complainant along with other police officials having laid a picket were present on the spot, where at about 1330 hours a red colour Honda 125 motorcycle riding by two persons on way from Sultanzai towards the picket with two bags holding by the person occupying the rear seat in his lap. The motorcyclists, on seeing the police party, tried to make their escape good who were chased by the local police where the driver of the motorcycle was overpowered while the person occupying the rear seat made his escape good from the spot. The search of the bags, led the complainant to the recovery of 50 packets of chars, each weighing 1000 grams, making a total of 50,000. Hence, the present FIR.

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela


26/05/23

3. It is evident from the record that the accused/petitioner is directly nominated in the FIR with a huge quantity of chars recovered from his possession. The offence for which the accused/petitioner is charged, attracts prohibitory clause of section 497 Cr.P.C. The FSL report available on file is positive for chars. Moreover, sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence. Though, as per version of the counsel for accused, the accused/petitioner, being of the age of above 16 years, is juvenile but as the offence is heinous and the accused/petitioner is not entitled to the concession of bail under sub section 4 of section 6 of the Juvenile Justice System Act, 2018. Moreover, the other points raised by the learned counsel for accused/petitioner involve deep appreciation of merits which cannot be discussed at this stage. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

4. Copy of this order be placed on police/judicial file. Consign.

**Pronounced:**  
26.05.2023



  
**SHAUKAT AHMAD KHAN**  
Sessions Judge/ Judge Special Court,  
Orakzai at Baber Mela