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

BA No. 13 of 2020
Rehmat Ullah vs State

ORDER
18.04.2020

Bail application received. It be registered. Record also received. Learned counsel for the accused/petitioner present Amir Shah Learned APP for the State present.

The accused/petitioner Rehmat Ullah s/o Nazeer Khan r/o Mama Zai District Orakzai seeks his post arrest bail in case FIR No.13 dated 12.04.2020 u/s 9-C KP CNSA of PS Upper Orakzai (Ghaljo).

Brief facts of the case are that the accused/petitioner was deboarded from a passenger vehicle (Flying Coach) on suspicion and during his body search chars weighting 660 grams were recovered from his possession out of which ten grams chars were separated for FSL analysis while rest of the contraband was sealed into separate parcel. The accused disclosed his name Rehmat Ullah s/o Nazeer Khan r/o Mama Zai District Orakzai who was arrested. Murasila was drafted and sent to PS for registration of the case, on the basis of which instant FIR was registered against the accused.

Arguments heard and record perused.

The perusal of record would transpire that the accused/petitioner was arrested by the local police while having in possession of 660 grams chars garda. The accused/petitioner is first offender as there is no previous history of his involvement in such like cases. All the

S. JAVED A.S.
Asstt. District & Sessions Judge-II
Orakzai at Hangu

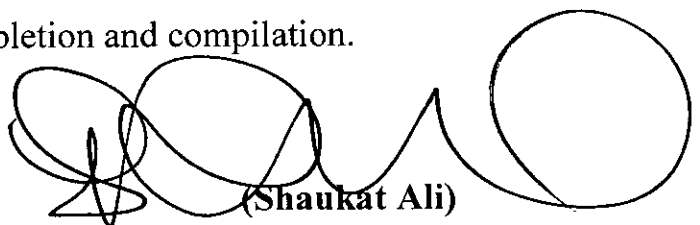
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witnesses are police officials and there is no apprehension that the accused shall tamper with the prosecution evidence, if he is released on bail. Furthermore, the FSL report is also not available on file despite the laps of six days to ascertain that whether the alleged recovery is contraband or otherwise. The offence for which the accused/petitioner is charged carries punishment up to seven years which does not fall within the prohibitory clause of section 497 Cr.PC wherein grant of bail is a rule. The investigation in the case is complete and the accused/petitioner is no more required for further investigation, therefore this court is inclined to release the accused on bail.

In view of above, 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 or duty Judge/MOD.

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

Announced
18.04.2020



(Shaukat Ali)
Additional Sessions Judge-II,
Orakzai at Baber Mela

Orakzai District Court
Orakzai