

Case file of BA, along with record, received from the court of learned ASJ-II, Orakzai, during Covid-19 lock-down. Let it be registered.

Or 03  
09-05-2020

**Present:**

Abid Ali Advocate for the accused/petitioner  
APP Amir Shah for State

This order shall dispose of bail application filed on behalf of accused/petitioner, **Muhammad Rahim** s/o Jana Gul; r/o Mishti, Darvi Khel, Central Orakzai; who is confined in jail in case **FIR No. 17** dated 26-04-2020, registered u/s **9 (d)** of KP-CNSA, 2019 in PS Upper Orakzai (Ghiljo).

Facts of the case, according to available record, are; that the local ASHO received information that narcotics would be smuggled to Dabori area via Ghiljo; that the ASHO, along-with a police party, laid *naka* at Krappa Post; that one person appeared, carrying a white plastic bag over his shoulder; that the said person tried to run away after seeing police party; that, however, he was apprehended; that on checking, the plastic bag was found to contain 06 packets of chars, weighing 1244 grams each (total 7464 grams); that the accused/petitioner was arrested and the recovered substance sealed into different parcels. Hence the instant petition.

Arguments heard and record perused, tentative assessment of which shows that:

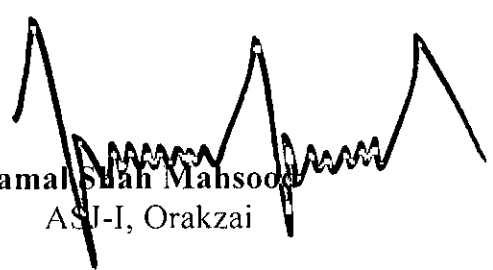
1. Huge quantity of narcotics has been recovered from the direct position of the accused/petitioner.
2. The offence falls under prohibitory clause of section 497 CrPC.
3. The counsel for the accused/petitioner stressed that the amount of allegedly recovered narcotics has been

mentioned as 7664 grams in FIR (instead of 7464 grams) and that this doubt is sufficient for grant of bail. However, the total weight of recovered substance is mentioned in *murasila* as 7464 grams and the incorrect figure in FIR and recovery memo can be attributed to slip of pen; which cannot be termed as reasonable doubt for the purpose of grant of bail.

4. The counsel for accused/petitioner also produced a copy of the application given to the DPO Orakzai, wherein it is alleged that the instant case was registered due to malafide of one Saleem ASI; however, this application cannot be considered at this stage and the same is required to be proved by the accused/petitioner during trial. Copy of application is placed on file.

For what has been discussed above, the accused/petitioner, Muhammad Raheem, is held not entitled to the concession of bail at this stage. Resultantly, his petition stands **dismissed**. Copy of this order be placed on record. Record be returned and this file be consigned to record room after its completion and compilation.

**Announced**  
**09-05-2020**

  
Jamal Shah Mahsood  
ASI-I, Orakzai