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

BA No. 34 of 2020

Abdul Malik Vs State

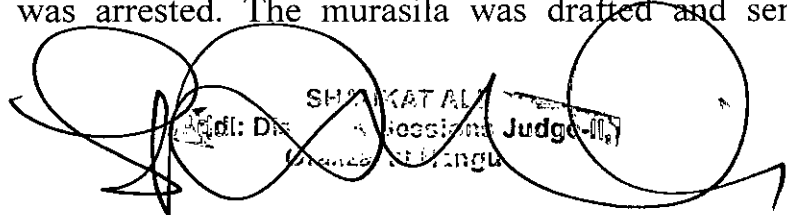
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ORDER
27.06.2020

Shahab Khan Bangash Advocate, learned counsel for accused/petitioner present. Syed Amir Shah, learned APP for State present.

Accused/petitioner Abdul Malik s/o Rasool Khan r/o Tappa Zaodin Sheen Qamar District Khyber is seeking his post arrest bail in case FIR No.54 dated 01.06.2020 u/s 9-D CNSA, PS Lower Orakzai District Orakzai.

Brief facts of the case are that the complainant Mohsin Ali incharge PP Dawali along with Ijad Ali HC, Constables Asim Ali and Marjan Ali were present at Behram Zai check post, that he received spy information through phone that today chars shall be smuggled through motorcycle, that on that information barricade was laid down and in the meanwhile a motorcycle was coming from Kalaya side which was signaled to stop, that the person riding the motorcycle stopped and disclosed his name Abdul Malik s/o Rasool Khan r/o Tappa Zaodin Sheen Qamar District Khyber, that on the motorcycle a sack which was tied on the rear seat of the motorcycle was searched and on search seven packets of chars garda was recovered which was weighed and on weighment each packet was found 1240/1240 grams total 8680 grams whereas the sack was separated weighed which was 60 grams. 10/10 grams was separated from each packets for the purpose of FSL analysis and sealed in parcels No.1 to 7 while rest of the chars along with sack was sealed into separate parcel. The recovered chars along with motorcycle was taken into possession and the accused was arrested. The murasila was drafted and sent to PS for


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Orakzai District

registration of the case, on the basis of which instant FIR was registered against the accused/petitioner.

Arguments of learned counsel for the accused/petitioner and learned APP for the State heard and available record perused.

The tentative assessment of record would transpire that the accused/petitioner was arrested red handed and a huge quantity of chars was recovered from the motorcycle in the immediate possession of the accused. The accused/petitioner could not put forward any plausible explanation regarding the contraband recovered from his possession and his presence at District Orakzai which prima facie connects the accused/petitioner with the commission of the offence. The recovery of contraband is supported by the witnesses to the recovery memo available on file. The motorcycle is also taken into possession by the police which is also a piece of evidence against the accused/petitioner. Furthermore, the case of the accused/petitioner does fall within the prohibitory clause of 497 Cr.P.C. No ill-will was pointed out on the part of the complainant to falsely implicate the accused and to plant huge quantity of chars against the accused in the instant case. The arrest of the accused on the spot and recovery of huge quantity of narcotics prima facie connect the accused with the commission of offence and reasonable grounds exist to believe that the accused/petitioner is involved in the commission of offence, therefore this Court is not inclined to release the accused/petitioner on bail.

In view of above, instant bail petition, being devoid of merits, stands dismissed.

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

Announced
27.06.2020



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

SHAUKAT ALI
Additional District & Sessions Judge
Orakzai