

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

BA No. 37 of 2020

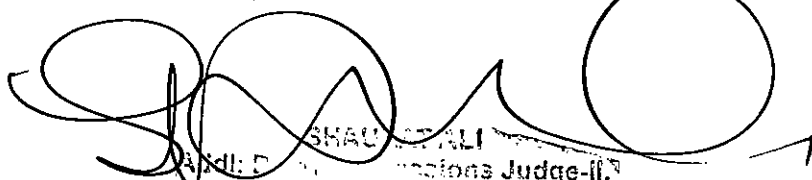
Inzar Gul Vs State

**ORDER**  
**14.07.2020**

Learned counsel for accused/petitioner present. Syed Amir Shah, learned APP for State present.

Accused/petitioner Inzar Gul s/o Gul Marjan r/o Qambar Khel Khwadat Khel, Barhi District Khyber is seeking his post arrest bail in case FIR No.68 dated 29.06.2020 u/s 9-D CNSA, PS Lower Orakzai District Orakzai.

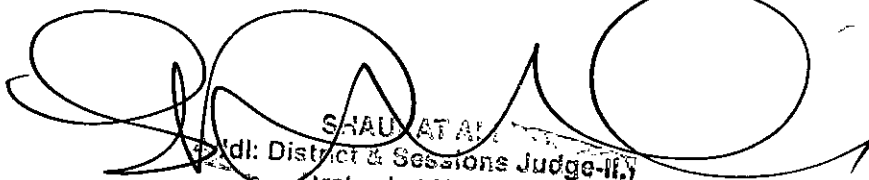
Brief facts of the case are that the complainant received information about the smuggling of narcotics and on that information he along with other police constables put barricades at Sultan Zai Shaga road, that in the meanwhile from Ibrahim Zai side a person on motorcycle on seeing the police party speed up the motor cycle who fell on the ground at some distance and was over powered, that the accused/petitioner was wearing waist coat wherein special pockets were designed for smuggling of narcotics and on search of the waist coat 2/2 packets chars total 08 packets were recovered from the four pockets of the waist coat which were wrapped in a yellow scotch tape, that on weighment each packet was found 1200/1200 grams total 9600 grams. 10/10 grams was separated from each packets for the purpose of FSL analysis and sealed in parcels No.1 to 8 while rest of the chars was sealed into separate parcel. The waist coat was also sealed into separate parcel. The recovered chars, motorcycle and waist coat was taken into possession and the accused was arrested who disclosed his name Inzar Gul s/o Gul Marjan r/o Qambar Khel Khwadat Khel, Barhi District Khyber. The accused had sustained injuries on his

  
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 Additional Sessions Judge-II,  
 Orakzai

right knee, his injury sheet was prepared and was referred to hospital for treatment. Murasila was drafted and sent to PS for 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 weighing 9600 grams was recovered during his body search from the waist coat wearing by the accused/petitioner. 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 from the possession of accused and his arrest on the spot is supported by the witnesses to the recovery memo and medical report of accused available on file. The motorcycle and the waist coat specially designed for the smuggling of narcotics was also taken into possession which further connects the accused/petitioner with the commission of offence. 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. Furthermore, the case of the accused/petitioner does fall within the prohibitory clause of 497 Cr.P.C. 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. So far as affidavits submitted in favor of the accused is concern, accused person involved in narcotics cases face no difficulty in obtaining affidavits in his favor. The evidence of witnesses recorded by the police could not

  
SHAUHAT ALI  
Jd: District & Sessions Judge-II,  
Orakzai at Hangu

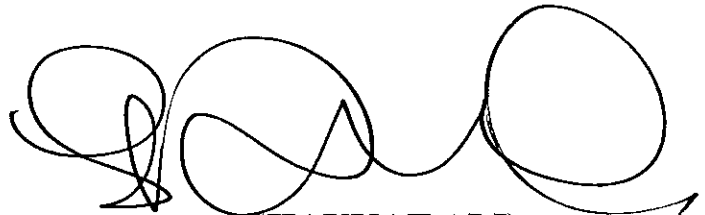
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be kept out of consideration on the bases of affidavits and considering the affidavits at bail stage would amount to deeper appreciation of evidence which is not permissible at bail stage, therefore affidavits in favor of accused would not advance his case for the grant of 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  
14.07.2020



(SHAUKAT ALI)

Additional Sessions Judge-II/JSC,  
Orakzai at Babar Mela  
Orakzai at Hangu