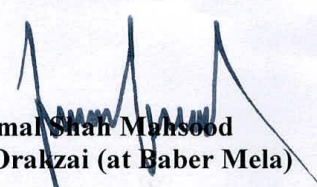


Or 02  
29-10-2019

**Present:**

Sana Ullah Advocate for accused/petitioner  
DPP Umer Niaz for State  
Record received

The counsel for accused/petitioner requested for some time to prepare arguments. Adjourned for arguments to 02-11-2019.

  
**Jamal Shah Mahsud**  
ASJ-I, Orakzai (at Baber Mela)


Or 03  
02-11-2019

**Present:**

Sana Ullah Khan Advocate for the accused/petitioner  
APP Zohaib Sher for State  
Record available

This order shall dispose of bail application filed on behalf of accused/petitioner, **Sofiyan** s/o Khyal Muhammad; r/o Bazar Zaka Khel, Muhalla Sultan Khel; Tehsil Landi Kotal, Khyber; who is confined in jail in case **FIR No. 37** dated 21-10-2019, registered u/s **9 (c) CNSA** (despite the fact that KP-CNSA, 2019 was in force on the relevant date) of PS Lower Orakzai.

Facts of the case, according the FIR, are; that the local SHO was on patrol of the area when he received information in respect of attempt to transport narcotics on a motorcycle; the SHO laid a naka on road and stopped a motorcycle, with accused/petitioner riding, for checking. 06 packets of Chars, weighing 1150 grams each (total 6900 grams) were recovered from the pockets of waistcoat of accused/petitioner. Samples were separated for FSL and recovered narcotics was sealed into

  
JAMAL SHAH MAHSUD  
Addl. District & Sessions Judge-I  
Orakzai at Hangu

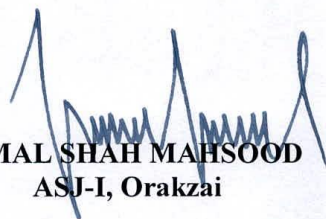
different parcels. Accused was arrested and the motorcycle (B 8630) was taken into possession. Hence the instant petition.

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 Cr.PC.
3. The accused/petitioner is prima facie connected with the commission of the offence and false implication by local police is not believable at this stage.
4. The counsel for accused/petitioner stressed that FSL report is not available on file; however, the same can not be made the sole ground for grant of bail, as the local police has submitted the sample in FSL quite in time.

For what has been discussed above, the accused/petitioner 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  
02-11-2019

  
JAMAL SHAH MAHSOOD  
ASJ-I, Orakzai