

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

BA No. 32 of 2019
Muhammad Raheem Vs State

ORDER
30.11.2019

Learned counsel for the accused/petitioner present.

Umar Niaz Khan, Learned DPP for the State present.

The accused/petitioner Muhammad Raheem s/o Jana Gul r/o Meshti Tappa Derwy Khel District Orakzai seeks his post arrest bail in case FIR No.20 dated 17.11.2019 u/s 9-D CNSA of PS Upper Orakzai.

Brief facts of the case are that Saleem Khan S.I along with Fazal Subhan S.I, Muhammad Akbar HC, Zahir Khan FC and other police official during gusht arrested accused/petitioner at the place of occurrence along with small sack and recovered two packets chars garda which was on weighment was found 2400 grams, Ten grams chars were separated from each packet for FSL analysis while rest of the contraband was sealed into separate parcel. The accused disclosed his name Muhammad Raheem s/o Jana Gul r/o Tappa Derway Khel 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 2400 grams chars garda. The

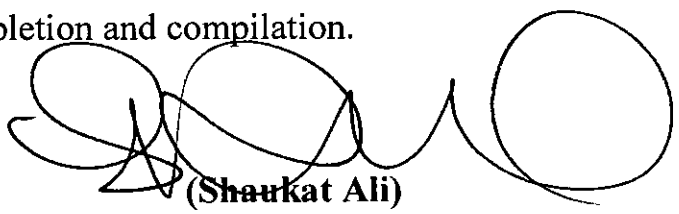
(4)

accused/petitioner is first offender as there is no previous history of his involvement in such like cases. All the witnesses are police officials and there is no apprehension that the accused shall temper with the prosecution evidence, if he is released on bail. Furthermore, the FSL report is also not available on file despite the laps of thirteen days to ascertain that whether the alleged recovery is contraband or otherwise. The investigation 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, application of accused/petitioner is accepted and he is directed to be released on bail subject to furnishing surety bonds in sum of Rs.100000/- with two sureties each in the like amount to the satisfaction of this Court.

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

Announced
30.11.2019



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

SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu