

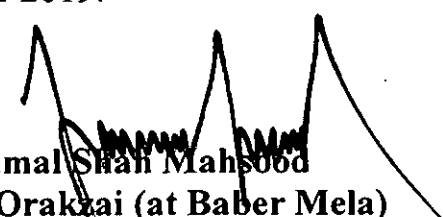
Or 02  
12-12-2019

**Present:**

Zar Wali Khan, a brother of accused-petitioner  
DPP Umar Niaz for State  
Record received

The counsel for accused-petitioner is not available today due to strike of lawyers on call of KP Bar Council.

Adjourned for arguments to 13-12-2019.

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

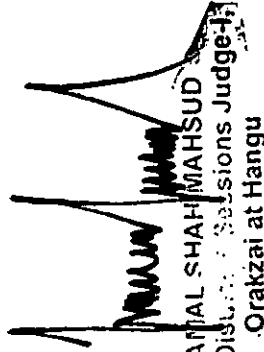
Or 03  
13-12-2019

**Present:**

Shahab Khan Bangash Advocate for the accused/petitioner  
DPP Umar Niaz for State  
Record available

This order shall dispose of bail application filed on behalf of accused/petitioner, **Munawar Khan** s/o Hashmat Khan; r/o Shalobar Qambarkhel, Tapa Irankhel Bara, Khyber, presently Anjari Lower Orakzai; who is confined in jail in case **FIR No. 42** dated 04-12-2019, registered u/s **9 (d)** of KP-CNSA, 2019 in PS Lower Orakzai.

Facts of the case, according the FIR, are; that the local SHO was on patrol of the area with police party when he received spy information that someone will smuggle Chars on motorcycle from Sultanzai side; that the SHO laid a Naka and stopped the motorcycle of accused/petitioner for checking; that the accused/petitioner was wearing a specially made waistcoat having 04 pockets for carrying Chars; that 09 packets of Chars were recovered from these pockets; that

  
JAMAL SHAH MAHSUD  
Sessions Judge-I  
(Addl: District Sessions Judge-I)  
Orakzai at Hangu

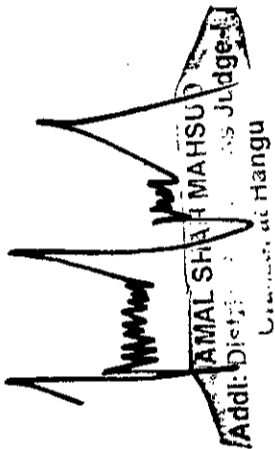
3

each packet weighed 1,200 grams (total 10,800 grams). That samples were separated for FSL analysis and recovered narcotics was sealed into different parcels. Accused was arrested on the spot and the motorcycle (bearing No. 2014 Kohat) was also taken onto 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 CrPC. The accused/petitioner claims to be juvenile, however, the offence charged is a serious one and falls under the category of heinous crime. Thus, he cannot claim bail as of right.
3. The medical grounds claimed by accused/petitioner also are not clear enough and cannot be made the sole ground for grant of bail.
4. 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.

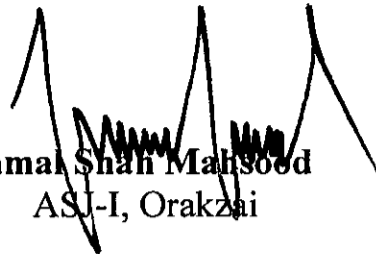
For what has been discussed above, the accused/petitioner, Munawar Khan, is held not entitled to the concession of bail at this stage. Resultantly, his petition stands **dismissed**. Copy of this order be placed on record.

  
JAMAL SHAH MAHSUD  
Addl. District Judge  
District Court, Hangu

4

Record be returned and this file be consigned to record room  
after its completion and compilation.

**Announced**  
**13-12-2019**



**Jamal Shan Mahsood**  
**ASI-I, Orakzai**