

IN THE COURT OF ASGHAR SHAH  
SESSIONS JUDGE/ JUDGE SPECIAL COURT, ORAKZAI  
AT BABER MELA

Bail Application No : 57/4 of 2020  
Date of Institution : 10.08.2020  
Date of Decision : 12.08.2020

ABDULLAH VS THE STATE

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ORDER

DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, Abdullah seeks his release on bail in case FIR No. 58, dated 16.06.2020 registered U/S 9(d) KP CNSA at Police Station Lower Orakzai Kalaya.

3. From the arguments and record available on file, it reveals that accused/petitioner was stated coming to the site of occurrence on foot having a plastic sack on his shoulder but when called, he started running back while throwing the plastic sack. That the accused/petitioner decamped from the spot successfully while the search of the plastic sack lead to the recovery of 13 packets chars, each weighing 1200 gram (total 15600 grams). The local police collected the information about the accused and it was disclosed that the above-named accused/petitioner have



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committed the offence, hence he was nominated by name for the occurrence.

4. Since, the accused/petitioner is directly and by name charged for the day light occurrence, which occurrence was promptly reported within 50 minutes of the occurrence. Huge quantity of contraband was recovered in the instant case and is supported by the PWs. The FSL report is in positive besides the nomination of single accused for the occurrence has ousted chances of substitution coupled with the facts that no previous ill-will, malafidy involvement or ulterior motives on behalf of local police at the moment was pointed out. The offence attracts prohibitory clause of 497 Cr.P.C. Thus, a prima facie case exists against the accused/petitioner and he is not entitled for the concession of bail in his favour. Accordingly, for the stated reasons, bail petition in hand stand dismissed being meritless.

5. File be consigned to Sessions record room after its necessary completion and compilation.

**Announced**  
**12.08.2020**



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