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Or 02
24-08-2020

Present:

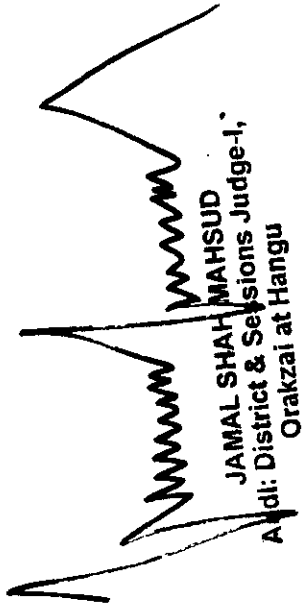
Sana Ullah Khan Advocate for the accused/petitioner
APP Syed Aamir Shah for State
Record received

This order shall dispose of **Post-arrest Bail Application** filed on behalf of accused/petitioner **Irshad** s/o Rehman Shah; r/o Sra Shaga, Bazar Zakha Khel, Landi Kotal, District Khyber; who is confined in jail in case **FIR No. 34** dated 18-08-2020, u/s **9 (d) KP-CNSA** of PS Upper Orakzai (Ghiljo).

Facts of the case, according to the FIR, are; the complainant, Sub Inspector, along with constables, was present on a check post when he received spy information about an attempt to transport of charas on a motorcycle; that the police party started checking, when a motorcycle with 02 riders was stopped for checking; that the person in control of motorcycle was present accused/petitioner and another person Zarma Jan (co-accused) was riding at the back. That the co-accused was holding a bag in his lap, which on checking was found to contain 4000 grams charas. That a sample was separated from charas for FSL analysis and sealed into parcels. Both the persons were arrested, and the recovered substance and motorcycle were taken into possession by police. Hence, the instant petition.

Arguments heard and record perused, tentative assessment of which shows that:

1. The charas was allegedly recovered from the immediate possession of co-accused and it shall be determined after trial



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

whether the present accused/petitioner had any knowledge about presence of charas in the bag of co-accused.

2. There is nothing on record to show that the samples of case property have so far been sent to FSL, Peshawar or even placed in safe and proper custody.
3. Nothing has been brought on record to establish the ownership of motorcycle (1413/Peshawar) involved in the case.
4. There is nothing on record to establish that accused/petitioner has previously remained involved in any criminal case.

In these circumstances the accused/petitioner has made out a case of further inquiry into his guilt for the purpose of grant of bail. Accordingly, instant petition is **allowed** and accused/petitioner **Irshad** is directed to be released on post arrest bail, subject to furnishing of bail bonds in the sum of **Rs. 100,000** (one lac) with two sureties, each in the like amount, to the satisfaction of this court. Let a copy of this order be placed on record of the case and the same be returned to the quarter concerned. Let this file is to be consigned to record room after necessary completion and compilation.

Announced
24-08-2020


JAMAL SHAH M. H. SOOD
ASJ-I, Orakzai