

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
AT BABER MELA

Bail Application No. : 51/4 of 2023
Date of Institution : 23.06.2023
Date of Decision : 26.06.2023

FAROOQ ETC. VS THE STATE

ORDER

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

2. Accused/petitioner, **Farooq** s/o Usman and **Naseem Gul** s/o Umbar Gul seek their post-arrest bail in case FIR No. 22, dated 21.06.2023 registered U/S 9 (d) of Khyber Pakhtunkhwa CNSA at Police Station Kurez, wherein, as per contents of FIR, the local police during routine patrolling acting on information regarding smuggling of narcotics from Feroz Khel to Bara Khyber by four persons including two in veil, laid a picket on the spot where a Flying-Coach bearing Registration No. LWN 4401 of white colour was stopped for the purpose of checking. Two persons in veil occupying the second seat of the vehicle were deboarded who disclosed their names as Danish and Raheed. The personal search of both led the complainant to the recovery of 09 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 9000 grams, tied on abdomens, from possession of each of the accused named above. The co-accused further disclosed that the chars belong Farooq and


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
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PS KUREZ

Naseem Gul, the present accused/petitioners, boarding the same vehicle who were also deboarded and arrested. Hence, the present FIR.


3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR but the recovery has not been effected from possession of either of the accused/petitioner. Moreover, both the accused/petitioners have remained in police custody for 01-day but nothing incriminating has been recovered from their possession or on their pointation.

4. Hence, in view of what is discussed above, it is held that the case against the accused/petitioners falls within the ambit of further inquiry of section 497 CrPC; therefore, they are admitted to the concession of bail provided each of the accused/petitioner submits a bail bond in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of Judicial Magistrate concerned/MOD. The sureties must be local, reliable and men of means.

5. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
26.06.2023




SHAUKAT AHMAD KHAN
Sessions Judge/ Judge Special Court,
Orakzai at Baber Mela