

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


Bail Application No. : 52/4 of 2023
Date of Institution : 23.06.2023
Date of Decision : 26.06.2023

DANISH ETC. VS THE STATE

ORDER

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

2. Accused/petitioners, **Danish** and **Raheed** both sons of Aurangzeb 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 Raheen, the present accused/petitioners. 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



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9000 grams, tied on abdomens, from possession of each of the accused/petitioners named above. The accused/petitioners further disclosed that the chars belong to co-accused Farooq and Naseem Gul boarding the same vehicle who were also deboarded and arrested. Hence, the present FIR.

3. It is evident from the record that as per record though the accused/petitioners are juveniles but as the offence for which the accused/petitioner are charged is heinous and the factum of juvenility is not alone sufficient for their release on bail. So far merits of the case are concerned, both the accused/petitioner are directly nominated in the FIR with a huge quantity of chars recovered from their possession. The offence for which the accused/petitioners are charged, attracts prohibitory clause of section 497 Cr.P.C. Moreover, sufficient material is available on file which reasonably connect the accused/petitioners with the commission of offence. Hence, the accused/petitioners are not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless. Consign.

Pronounced:
26.06.2023




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Sessions Judge/ Judge Special Court,
Orakzai at Baber Mela