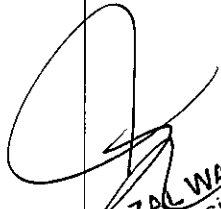


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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 69/4 of 2023
Shams ur Rehman _ vs _ State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	10/08/2023	<p>Mr. Sana Ullah Khan Advocate for petitioner and Assistant Public Prosecutor for State are in attendance. Arguments heard; whereas, this is the disposal of petition for grant of post arrest bail.</p> <p>2. This Post arrest bail application is presented by accused/petitioner Shams ur Rehman s/o Muhammad Yousaf r/o Qaum Stori Khel, Tappa Mala Khel, Tehsil Lower, District Orakzai.</p> <p>3. Mujahid Khan, SI/NET of Police Station Kalaya, Orakzai has established barricade on spy information at Manzakhay Road. The Motorcycle was suspected and sensing the gravity of situation, the driver turned back the Motorcycle and escaped leaving behind the Motorcycle and plastic sack of chars containing 7 packets of chars measuring 7000 grams. Sample of 10/10 grams has been separated for its analysis through Forensic Science Lab. Recovery memo was prepared and Murasila was drafted for brining criminal law into motion. Resultantly, FIR bearing No. 115 dated: 17/11/2022 was registered against the accused by attracting Section 9-D of the Control of KP Narcotics Substances Act, 2019 in Police Station Kalaya of District Orakzai. On arrest and completion of physical custody, he was remanded to Judicial Lockup. Consequently, application for release of accused on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file as deep appreciation is neither required nor warranted</p>


SAYED FAZAL WADGODI
Additional District & Sessions Judge
Orakzai at Hangu


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at this stage of bail. The accused/petitioner was allegedly carrying charrs in plastic sack measuring 7000 grams left behind while escaping from the spot; but, no private witness has been associated with the recovery proceedings. The petitioner has been nominated in the contents of FIR but not arrested on the spot. The recovery is also not conducted from direct possession of the accused. Similarly, no identification parade has been conducted after arrest of such accused. Recovery has not been made from direct possession of the petitioner nor has he been arrested on the spot. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 150,000/-; with two sureties, each in the like amount; to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record.

8. Announced in open Court.



Sayed Fazal Wadood

ASJ/JSC, Orakzai at Baber Mela