

(5)

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

Bail Application No. : 54/4 of 2023  
Date of Institution : 16.08.2023  
Date of Decision : 18.08.2023

SHAHID HABIB VS THE STATE

ORDER

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

2. Accused/petitioner, **Habib Khan** s/o Said Habib seeks his post-arrest bail in case FIR No. 76, dated 24.07.2023 registered u/s 9 (c) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 and u/s 15 of the Khyber Pakhtunkhwa Arms Act at Police Station Kalaya, wherein, as per contents of FIR, the complainant along with other police officials during routine patrolling were present on the spot where at about 1600 hours a person was stopped from whose personal search a plastic shopper containing 240 grams of chars was recovered from his trouser-fold besides 03 live rounds of 12.7 bore recovered from his side pocket. Hence, the present FIR.

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

18/08/23

(b)

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR but the offence for which the accused/petitioner is charged does not attract the prohibitory clause of section 497 Cr.P.C. Moreover, no private witness has been associated with the occurrence despite the place of occurrence being a public place and the occurrence having taken place during broad daylight. Furthermore, the accused/petitioner has neither confessed nor admitted his guilt during police custody. Above all, the investigation in the instant case is complete and the accused is no more required to the police for further investigation.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this 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:**  
18.08.2023

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