

7

BA No. 60/4

FARID ULLAH VS STATE

FIR No. 33, Dated 25.08.2023, u/s 9 (d) and 11-A CNSA
Police Station Mishti Mela

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

Bail Application No. : 60/4 of 2023
Date of Institution : 29.08.2023
Date of Decision : 31.08.2023


FARID ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for the State present. Record received. Counsel for the accused/petitioner submitted written arguments through his clerk. Placed on file. Arguments of learned DPP for the State heard and the written arguments submitted by counsel for accused/petitioner and the available record gone through.

2. Accused/petitioner, **Farid Ullah** s/o Noor Muhammad Khan seeks his post-arrest bail in case FIR No. 33, dated 25.08.2023 registered U/S 9 (d) & 11-A of the Khyber Pakhtunkhwa CNSA of Police Station Mishti Mela, wherein, as per contents of FIR, the local police on 25.08.2023 at about 1720 hours acting on information regarding buying and selling of narcotics by accused/petitioner, reached the shop of accused/petitioner and recovered 02 packets from showcase of his shop, one of the packets contains 45 grams ice and the other contains 1300 grams chars. Hence, the present FIR.

It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged attracts the prohibitory clause of section 497 Cr.P.C but the place of occurrence is a public place and the occurrence has allegedly taken place during broad daylight but no effort has been made to


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
31/08/23

8

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associate any witness from the public with the process of search or recovery. Moreover, the recovery memos not bear the signatures of marginal witnesses. The FSL report is yet awaited to show the nature of the recovered substance. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.

4. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on police/judicial file. Consign.

Pronounced:

31.08.2023




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