

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

Bail Application No. : 62/4 of 2023
Date of Institution : 01.09.2023
Date of Decision : 05.09.2023

MUMRAIZ KHAN VS THE STATE

ORDER

DPP, Umar Niaz for the State and Asad Ijaz Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, **Mumraiz Khan** s/o Naimat Gul seeks his post-arrest bail in case FIR No. 32, dated 30.08.2023 registered u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 at Police Station Kurez, wherein, as per contents of FIR, the local police on 30.08.2023 at about 1030 hours having laid a picket on the spot, stopped a flying-coach bearing Registration No. EA2058/Peshawar wherefrom a person having a school bag in his lap occupying rear seat of the vehicle was deboarded. The search of the bag led the complainant to the recovery of 05 packets of chars, each weighing 1000 grams, making a total of 5000 grams. Hence, the present FIR.

3. 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, falls within the prohibitory clause of 497 CrPC but as evident from record the accused/petitioner was allegedly boarding a passenger vehicle at the time of his arrest but not a single person from amongst the passenger has been

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

05/09/23

7

BA No. 62/4
MUMRAIZ KHAN VS STATE
FIR No. 32, Dated 30.08.2023, u/s 9 (d) CNSA, PS Kurez

associated as witness with the occurrence. Though the statement of driver has been recorded but neither his name is mentioned in the Murasila nor his statement has been recorded on the spot rather his statement has been recorded the next day of occurrence. Moreover, though the offence for which the accused/petitioner is charged, is heinous in nature but he is of the age of 12/13 years as per card of arrest; therefore, being below the age of 16 years, accused/petitioner is also entitled for the concession of bail under sub-section 4 of section 6 of Juvenile Justice System Act, 2018. Furthermore, the FSL report is not available on file to show that whether the recovered substance was actually chars or otherwise.

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. 200,000/- 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:
05.09.2023



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

