

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II/JSC  
ORAKZAI, AT BABAR MELA**

BA No. 34 of 2021

Zaban Ali Vs State

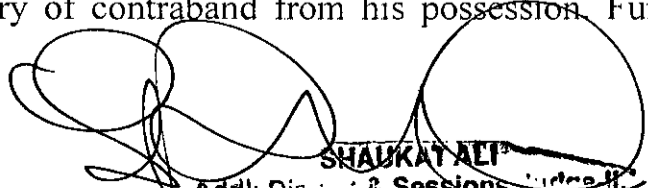
**ORDER**  
**10.03.2021**

Mr. Jabir Hussain Advocate counsel for accused/petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the State present.

Accused/petitioner Zaban Ali s/o Habeeb Hassain r/o Tirai presently Khadizai Orakzai, is seeking post-arrest bail in case FIR No.27 dated 27/02/2021 u/s 9-D KP-CNSA of PS Lower Orakzai (Kalaya), wherein the accused/petitioner is charged for having in his possession chars weighing 6000 grams which was recovered from accused/petitioner after he was deboarded along with a plastic sack containing chars from the pick-up vehicle which was stopped by the complainant for the purpose of checking at Boya Check Post District Orakzai.

Arguments of the learned counsel for the accused/petitioner and learned Sr.PP for the state heard and record perused.

The tentative assessment of record would transpire that the accused/petitioner had a plastic sack while sitting in pickup vehicle which was stopped for the purpose of checking and when the accused was deboarded from the vehicle on suspicion and the sack was searched 05 packets chars each weighing 1200/1200 grams total 6000 grams were recovered. The accused/petitioner was arrested red handed and huge quantity of chars was recovered from his possession. The accused/petitioner could not put forward any explanation regarding the recovery of contraband from his possession. Furthermore, no ill will

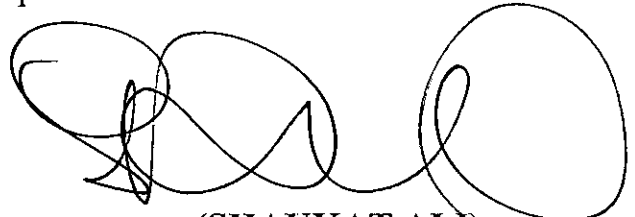
  
SHAIKAT ALI  
Addl: Dist. & Sessions Judge-II  
Orakzai at Hangu

was pointed out against the complainant to falsely implicate the accused/petitioner in the instant case. The recovery of chars from the possession of accused/petitioner is supported by the witnesses to the recovery memo who were present with the complainant at the time of arrest of accused/petitioner. Furthermore, the case of the accused/petitioners does not fall within the prohibitory clause of 497 Cr.P.C, therefore this court is not inclined to release the accused/petitioners on bail.

In view of above, the bail petition in hand being devoid of merits, stand dismissed.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced**  
**10.03.2021**



**(SHAUKAT ALI)**  
Addl; Sessions Judge-II/JSC,  
Orakzai at Babar Mela