

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

BA No. 45 of 2021

Shaukat Khan Vs State

**ORDER**  
**15.04.2021**

This order is intended to dispose of post-arrest bail application submitted by accused/petitioner Shaukat Khan s/o Hameed Khan R/O Qambar Khel Caste Shlobar Barha District Khyber seeking his release on bail in case FIR No. 43 dated 30/03/2021 u/s 9-D CNSA of PS Lower Orakzai (Kalaya) wherein chars weighing 48000 grams were recovered from the secret cavities of the Motor Car No. 264-ASR black color Model-2009 driven by co-accused Jaleel Khan s/o Fazal Kareem resident of Speen Qambar Barha District Khyber during search of the vehicle on Naka Bandi at Karghano Check post, on main road leading from Kalaya to Barha and the accused/petitioner was on the front seat of the vehicle from which the chars was recovered.

Arguments of learned counsel for the accused/petitioner and learned APP for the State already heard and available record perused.

The tentative assessment of record would transpire that the accused/petitioner was present in the vehicle on its front seat from secret cavities of which huge quantity of chars was recovered. The accused/petitioner could not explain his presence in the Motor car along with co-accused at the time of occurrence. The accused/petitioner and his co-accused who was driving the vehicle belongs to the same locality and nothing is available on file to show that the Motor car was a Taxi and the accused/petitioner was setting in it as a passenger. In the absence of such plea at this stage it would be presumed that the

  
**SHAUKAT ALI**  
Addl. District & Sessions Judge-II,  
Orakzai at Hangu

②

accused/petitioner and his co-accused were colleagues and prima facie connected with the commission of offence. Furthermore, the recovery of contraband from the vehicle wherein the accused/petitioner was present and his arrest on the spot is supported by the witnesses to the recovery proceedings. No ill-will was pointed out on the part of the complainant and prosecution witnesses to falsely implicate the accused/petitioners and to plant such huge quantity of chars against him in the instant case. Furthermore, the case of the accused/petitioner does fall within the prohibitory clause of 497 Cr.P.C, therefore this court is not inclined to release the accused/petitioner 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**  
**15.04.2021**



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