

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

BBA No. 46/4 of 2021

Hashim Khan Vs STATE

ORDER
17.04.2021

Accused/petitioner on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioner present. Mr. Syed Amir Shah APP for the State present.

Accused/petitioner Hashim Khan s/o Stori Gul r/o Caste Stori Khel, Tappa Mula Khel District Orakzai is seeking the confirmation of his ad-interim pre-arrest bail in case FIR No.33 dated 09/03/2021 u/s 9-D KP-CNSA of PS Lower Orakzai (Kalaya), wherein the accused/petitioner is charged in the statement of his co-accused namely Saeed Khan s/o Samand Shah, the driver of Motor Car No. LEC-5397 owned by the accused/petitioner from the secret cavities of which chars 20 packets total weighing 23,500 grams were recovered.

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

The perusal of record would reveal that the accused/petitioner was charged in the statement of co-accused Saeed Khan during the course of investigation by stating that he took the Motor car from the accused/petitioner and then reached to the place of occurrence there the Police on search recovered 20 packets chars from the Motor car. The name of accused/petitioner was disclosed by his co-accused during investigation which exclude any mala fide or false implication on the part of complainant. The story narrated by the ^{Co-}accused ~~petitioner~~ before the police is yet to be investigated and the accused/^{petitioner} is to be interrogated to dig out the facts of the case. The accused/petitioner could not surface on record any mala fide in the



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Orakzai at Hangu


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absence of which the case of accuse/petitioner is not arguable for the confirmation of his ad-interim pre-arrest bail.

In view the above, the bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 07/04/2021 is hereby recalled.

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

Announced
17.04.2021



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