

7

Hashim Khan vs State

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

BA No. 52/4 of 2021

Hashim Khan Vs STATE

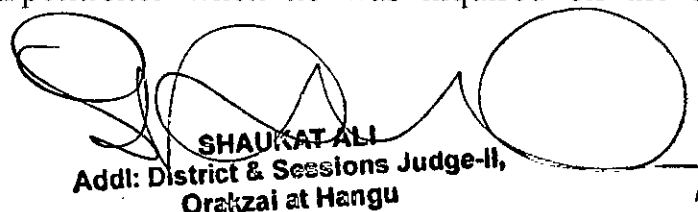
ORDER
21.04.2021

Mr. Khurshid Advocate counsel for Accused/petitioner present. Mr. Syed Amir Shah APP for the State present. Record received and placed on file.

Accused/petitioner Hashim Khan s/o Stori Gul r/o Caste Stori Khel, Tappa Mula Khel District Orakzai is seeking his post 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 recorded u/s-161 Cr.PC, the driver of Motor Car No. LEC-5397 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 is not directly charged in the FIR. Neither the accused/petitioner was arrested on the spot nor has any recovery been affected from the possession of accused/petitioner. The accused/petitioner is charged in the statement recorded u/s-161 Cr.PC of accused Saeed Khan arrested on the spot which makes the case of accused/petitioner one of further inquiry. The accused Saeed who was arrested on the spot did not disclosed the name of accused/petitioner when he was inquired on the spot and the


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

accused/petitioner was later on involved in the instant case in the statement of accused Saeed Khan. Furthermore there is no previous history of involvement of accused/petitioner in such like cases on the available record. At present nothing incriminating is available on file to prima facie connect the accused/petitioner with the commission of offence. The case of accused/petitioner is thus arguable for the grant of bail.

In view of above, application of accused/petitioner is accepted and he is directed to be released on bail subject to furnishing surety bonds in sum of Rs.200,000/- with two sureties each in the like amount to the satisfaction of this Court.

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

Announced
21.04.2021



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