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IN THE COURT OF ASGHAR SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
AT BABER MELA

Bail Application No : 112/4 of 2021
Date of Institution : 20.04.2021
Date of Decision : 22.04.2021


REHMAN ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, Rehman Ullah seeks his release on bail in case FIR No. 46, dated 07.04.2021 registered U/S 9 (A)/11-A of KP CNSA at Police Station Kalaya Lower Orakzai, wherein he is charged for having in his possession 17 grams ice and 5 grams heroin. The Judicial Magistrate-I, Orakzai vide order dated 19.04.2021 dismissed the bail petition of the accused/petitioner hence, the bail petition in hand.


3. From the arguments and record available on file, it reveals that the offence carries punishment up to 7 years and does not attract the prohibitory clause of Section 497 Cr.P.C. The FSL report is not available to determine the nature of substance


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recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but neither he confessed his guilt nor anything incriminating recovered from his possession during the said period of investigation. No past criminal history either of involvement or conviction of the accused/petitioner was brought on record. As such, further enquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

4. Accordingly, for the reasons briefly mentioned above, bail petition in hand stand accepted and accused/petitioner is admitted to bail subject to furnishing bail bonds in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. Prosecution is directed to submit complete challan of accused forthwith.
5. File be consigned to record room after its necessary completion and compilation.

Announced
22.04.2021


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