

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

BA No. 74/4 of 2021  
Mujahid Ullah Vs State

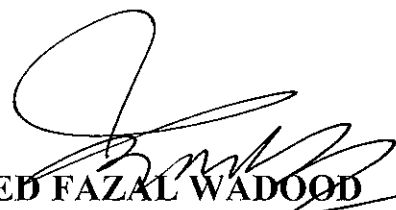
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 5	14/06/2021	<p>Mr. Sana Ullah Khan Advocate for accused/petitioner; Mr. Amir Shah APP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Mujahid Ullah s/o Dolat Khan r/o Mala Khel Starr Kalay District Orakzai.</p> <p>3. Mr. Naseeb Khan SHO of Police Station Ghiljo, Orakzai was reportedly on patrolling of the area. One Mujahid Ullah s/o Dolat Khan was coming towards the Check post while having 02 sealed bags in his right hand. On suspicion, he was searched and 02 plastic bags measuring 1000 grams each with total of 2000 grams of chars were found in possession of such person. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 19 dated: 28/05/2021 was registered against the accused by attracting Section 9-D of the Control of Narcotics Substances Act, 1997 in Police Station Ghiljo of District Orakzai. The accused was arrested on spot who was later on remanded to Judicial Lockup. Consequently, application for release of accused on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for state were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file and deep appreciation is not required. The accused/petitioner was allegedly carrying chars in shopping bags in his right hand and was arrested on the spot. The huge quantity of 2000 grams of chars was recovered from his direct and personal possession that has been supported with ocular evidence of the witnesses recorded on memorandum of recovery. The parcels separated for the</p>

5

purpose of examination through channel of Forensic Science Laboratory have promptly been sent. The huge quantity of chars apparently rules out the chance of false implication. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. Arrest of accused on the spot and recovery of huge quantity chars connect the accused with the commission of offence on its face and thus the Court has not inclined to release the accused/petitioner on bail.

6. For what has been discussed above, instant bail petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.



**SAYED FAZAL WADOOD**  
Additional Sessions Judge/JSC  
Orakzai at Baber Mela