

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

BA No. 77/4 of 2021
Abdul Wahid etc. 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	19/06/2021	<p>Mr. Abid Ali advocate for accused/petitioners; Mr. Amir Shah APP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioners Abdul Wahid son of Robia Khel, resident of Qum Aka Khel District Khyber and Rahim Ullah son of Sair Khan resident of Qum Malik Din Khel District Khyber.</p> <p>3. Mr. Aftab Ahmad ASHO of Police Station Kalaya, Orakzai was reportedly available on barricade. Abdul Wahid son of Robia Khel, resident of Qum Aka Khel District Khyber and Rahim Ullah son of Sair Khan resident of Qum Malik Din Khel District Khyber were coming towards the Check post while riding on Motorcycle. On suspicion, they were searched and 05 packets measuring 1000 grams each with total of 5000 grams of chars were found in possession of both the accused/petitioners; a total of 2000 grams from accused Abdul Wahid and 3000 grams from accused Rahim Ullah, was further specification of recovery. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 75 dated: 14/06/2021 was registered against the accused/petitioners by attracting Section 9-D of the Control of Narcotics Substances Act, 1997 in Police Station Kalaya of District Orakzai. The accused/petitioners were arrested on spot who were later on remanded to Judicial Lockup. Consequently, application for release of accused/petitioners on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioners 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</p>


SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

file as deep appreciation of case file is neither required nor warranted at this stage. The accused/petitioners were allegedly carrying chars in his pockets of waistcoat and were arrested on the spot. The huge quantity of 50000 grams of chars were recovered from their direct and personal possession that have been supported with ocular evidence of the witnesses recorded on memorandum of recovery. The parcels separated for the 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/petitioners are also falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. Arrest of accused/petitioners on the spot and recovery of huge quantity of chars connect the accused/petitioners with the commission of offence on its face and thus the Court is not inclined to extend them concession.

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