

IN THE COURT OF SHAUKAT AHMAD KHAN  
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI  
AT BABER MELA


Bail Application No. : 130/4 of 2021  
Date of Institution : 16.06.2021  
Date of Decision : 19.06.2021

MEHMOOD KHAN ETC. VS THE STATE

ORDER

DPP, Umar Niaz for State and Abid Ali Advocate for accused/petitioners present. Record received. Arguments heard and record gone through.

2. Accused/petitioners, Mehmood Khan s/o Mehboob Khan and Ghandal Khan s/o Said Muhammad seek their pre-arrest bail in case FIR No. 74, dated 13.06.2021 registered U/S 9 (d) KP CNSA at Police Station Kalaya Lower Orakzai, wherein as per contents of FIR the local police, having laid a picket on the spot, stopped the accused/petitioners riding a motorcycle and recovered 1900 and 1800 grams of chars from possession of accused/petitioner Mehmood Khan driving the motorcycle and Ghandal Khan occupying the rear seat respectively.

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela

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3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR and recovery of chars has been shown made from personal possession of the accused/petitioners, however the place of occurrence is a public place and

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the occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Moreover, the FSL report is not available on file to show nature of the substance recovered. Accused/petitioners, after their arrest, have gone through the process of investigation but they have neither confessed nor admitted their guilt. Furthermore, investigation in the instant case is complete and the accused/petitioners are no more required to the police for further investigation.

4. Accordingly, for the reasons mentioned above, bail petition in hand stand accepted and the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioners submit a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
5. Police record be returned and file of this court be consigned to record room.

**Pronounced:**  
19.06.2021

  
**SHAUKAT AHMAD KHAN**  
Sessions Judge/ Judge Special  
Court, Orakzai at Baber Mela