

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

Bail Application No. : 147/4 of 2021
Date of Institution : 13.07.2021
Date of Decision : 15.07.2021


YOUNIS VS THE STATE

ORDER

Sana Ullah Khan Advocate for
accused/petitioner present. Record received.
Arguments heard and record gone through.

2. Accused/petitioner, Younis s/o Abdul
Badshah seeks his pre-arrest bail in case FIR No.
87, dated 12.07.2021 registered U/S 9 (c) KP
CNSA at Police Station Kalaya, wherein, as per
contents of FIR, the local police while present on
the spot searched the person of the
accused/petitioner on the basis suspicion and
recovered 710 grams of chars from his possession.


3. It is evident from the record that though the
accused/petitioner is directly nominated in the FIR
and recovery of chars has been shown made from
personal possession of the accused/petitioner,
however the place of occurrence is a public place
and the occurrence has allegedly taken place
during broad daylight but no effort has been made


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai Baber Mela
15/07/21

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. Furthermore, the offence for which the accused/petitioner is charged does not attract the prohibitory clause of section 497 Cr.P.C. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Investigation in the instant case is complete and the accused/petitioner is 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/petitioner is admitted to the concession of bail provided he submits 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:
15.07.2021


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