

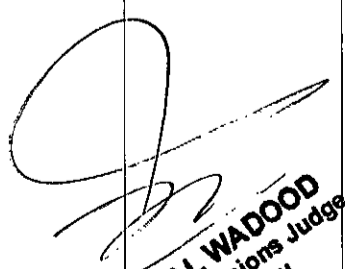
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 99/4 of 2021

State vs Asif

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	02/08/2021	<p>Mr. Sher Ahmad 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 Asif alias Faiz khan son of Sharbat resident of Qum Meshti, Mamozai, Anjghala, District Orakzai.</p> <p>3. Mr. Saleem Khan SHO of Police Station Ghiljo, Orakzai was reportedly available on barricade. A land cruiser jeep of red wine color bearing registration No. SAH-27 was stopped for search at check post. Dast Ali Jan s/o Khaista Khan was driving the vehicle; Muhammad Ishtiq s/o Abdul Kamal was setting on front seat; whereas, Asif alias Faiz Khan s/o Sharbat Khan was setting on second seat of the vehicle. On suspicion, the vehicle was searched; 03 packets measuring 1100 grams each with total of 3300 grams of chars were found in possession of person setting in second seat of the vehicle. A 9mm pistol bearing No. TFM-20671 with fixed charger and live rounds was recovered from the driver and one bottle locally manufactured wine was recovered from the man on front seat. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 27 dated: 29/07/2021 was registered against the accused by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019; Section-4 of the Prohibition Order and Section 15 of KP Arms Act 2013, in Police Station Ghiljo of District Orakzai. The accused were arrested on spot who were later on remanded to Judicial Lockup. Consequently, application for release of one of the accused named above on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned</p>


SAYED FAZAL WADOOD
Sessions Judge
Orakzai at Hangu

Assistant Public Prosecutor for state were heard at length and file gone through.

5. This is tentative assessment of record available on file as deep appreciation of case file is neither required nor warranted at this stage. The accused/petitioner was allegedly carrying chars in white bags and was arrested on the spot. The huge quantity of 3300 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 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 as well. Arrest of accused on the spot and recovery of huge quantity of chars connect the accused with the commission of offence on its face and thus the Court is not inclined to extend him concession of 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