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

BA No. 102/4 of 2021  
Hifazat Ali 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	11/08/2021	<p>Mr. Jabir Hussain and Insaf Ali Advocates, counsel 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 Hifazat Ali son of Sajid Ali r/o Qaum Sepoy Tehsil Lower District Orakzai and Jahan son of Qalandar Shah r/o Qaum Mishti, Tappa Darvi Khel Tehsil Lower District Orakzai.</p> <p>3. Mr. Hashmat Ali ASI and Mutahir Ali HC of Police Station Kalaya, Orakzai were reportedly available on barricade. One Hifazat Ali and Jahan were coming on Motor Cycle towards the Check post while on suspicion they were searched and found 02 packet of chars from their Badha Shalwar which were wrapped with yellow squash tape, on measuring of such packets it were found 1200 grams each with total of 2400 grams. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 89 dated: 02/08/2021 was registered against the accused by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2017 in Police Station Kalaya of District Orakzai. The accused were arrested on spot who were 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 of evidence is neither required nor warranted. The accused/petitioners were allegedly</p>

  
**SAYED FAZAL WABOOD**  
Addl: District & Sessions Judge  
Orakzai at Hangu

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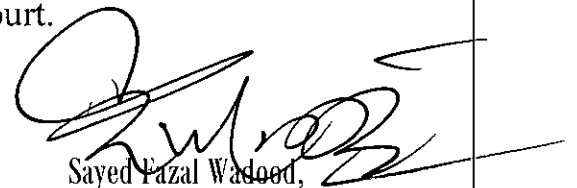
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carrying chars in yellow wrapped bags in their badh Shalwar and were arrested on the spot; but, no private witness has been associated with the recovery proceedings. The quantity of 1200 grams of chars were allegedly recovered from the direct and personal possession of each accused; yet, report of the Forensic Science Laboratory is still awaited and determination of the recovered material as chars is still awaiting. More so, the prosecution is also not claiming that the accused were previously involved in the same nature of cases. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 150,000/-; with 02 sureties each in the like amount; to the satisfaction of this Court.

7. 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.

8. Announced in open Court.



Sayed Fazal Wadood,  
AD&SJ/JSC, Orakzai at Baber Mela