

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


Bail Application No. : 66/4 of 2023
Date of Institution : 22.09.2023
Date of Decision : 26.09.2023

ABDUL SALAM VS THE STATE

ORDER

DPP, Umar Niaz for the State present. Mr. Zahoor Ur Rehman Advocate present and submitted fresh Wakalatnama on behalf of accused/petitioner. Placed on file. Accused/petitioner present through his cousin. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Abdul Salam** s/o Maweez Gul, after being refused to be released on bail vide order dated 18.09.2023 of learned Judicial Magistrate-I, Tehsil Kalaya, seeks his post-arrest bail in case FIR No. 36, dated 04.09.2023 registered u/s 11-A of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 and u/s 15 of the Khyber Pakhtunkhwa Arms Act of Police Station Mishti Mela, wherein, as per contents of FIR, the local police at about 10:30 hours having laid a picket on the spot, stopped a person walking on foot whose person was searched and a 9MM pistol along with a fixed charger and 02 live rounds were recovered from his trouser-fold for which he could not produce any valid license or permit. Similarly, the complainant also recovered a plastic bag from his side pocket containing 50 grams of ice. Hence, the present FIR.


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

26/09/23

(4)

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR but the offence for which the accused/petitioner is charged does not attract the prohibitory clause of section 497 Cr.P.C. Moreover, the report of FSL is not available on file to show that whether the recovered substance was actually ice or otherwise. Similarly, the report of FSL or that of the Arms Expert is not available on file as to confirm that whether the recovered pistol was in working condition or otherwise. Furthermore, the accused has neither confessed nor admitted his guilt during police custody. Above all, the investigation in the instant case is complete and the accused is no more required to the police for further investigation.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in 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. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
26.09.2023



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

