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

Bail Application No. : 70/4 of 2023
Date of Institution : 25.10.2023
Date of Decision : 27.10.2023

KHANDAN VS THE STATE

ORDER

APP, Amir Anjum for the State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, Khandan s/o Taj Mir seeks his post-arrest bail in case FIR No. 42, dated 20.10.2023, u/s 9 (d) CNSA of Police Station Kurez Boya, wherein, as per contents of FIR, the local police having laid a picket were present on the spot where a person riding a motorcycle on way from Anjani was stopped for the purpose of checking. The rider of the motorcycle was made come down of the motorcycle but nothing incriminating was recovered from his personal search. A plastic shopper of white colour was found laid over the motorcycle which led the complainant to the recovery of 02 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 2000 grams. Hence, the present FIR.


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/petitioner is directly nominated in the FIR but the place of occurrence is a public place and the occurrence has allegedly taken place during broad daylight but no effort has been made to


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associate any witness from the public with the process of search or recovery. Moreover, the FSL report is not available on file to show that whether the recovered substance was actually chars or otherwise. Furthermore, the accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. The 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 stands 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 Judicial Magistrate/MOD. 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:
27.10.2023




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