

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

BA No. 86/4 of 2023
Abdul Khanan __ 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	02/11/2023	<p>Mr. Sana Ullah Khan Advocate for petitioner and Assistant Public Prosecutor for State are in attendance. Arguments heard; whereas, this is the disposal of petition for grant of post arrest bail.</p> <p>2. This Post arrest bail application is presented by accused/petitioner Abdul Khanan s/o Siyal Khan r/o Qaum Stori Khel, Tappa Mala Khel, Tarkho Sam, District Khyber.</p> <p>3. Aftab Ahmed ASHO of Police Station Kalaya, Orakzai has charged the accused for handing over 24 packets of chars weighing 28,800 grams along with Motorcar to his co-accused Rizwan Ullah, which were recovered by the Police. Recovery memo was prepared and Murasila was drafted for brining criminal law into motion. Resultantly, FIR bearing No. 57 dated: 02/05/2021 was registered against the accused by attracting Section 9-D of the Control of KP Narcotics Substances Act, 2019 in Police Station Kalaya of District Orakzai. In statement recorded by Police under Section under Section 161 of the Code of Criminal Procedure, 1898, the principle accused named petitioner as partner. Subsequently, principle accused was convicted and present petitioner was arrested. On arrest and completion of physical custody, he was 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 as deep appreciation is neither required nor warranted</p>

SAYED FAZAL WADOOD
Addl. District Sessions Judge
Orakzai at Hangu

at this stage of bail. The accused/petitioner was charged for being partner in the crime but accusation was levelled by principle accused which is mere allegation without any evidence. The petitioner has neither been nominated in the contents of FIR nor arrested on the spot. The recovery is also not conducted from direct possession of the accused. More so, the prosecution is also not claiming that the accused was 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 120,000/-; with two 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.

8. Announced in open Court.



Sayed Fazal Wadood,
ASJ/JSC, Orakzai at Baber Mela