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


Bail Application No. : 75/4 of 2023
Date of Institution : 02.11.2023
Date of Decision : 06.11.2023

JAMSHID AFRIDI VS THE STATE

ORDER

DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, **Jamshid Afridi** s/o Sharab Din seeks his post-arrest bail in case FIR No. 16, dated 11.02.2023 registered U/S 9 (d) of the Khyber Pakhtunkhwa CNSA at Police Station Kalaya, wherein, as per contents of FIR, the local police were present on the spot where at about 08:30 hours a motorcycle riding by two persons approaching from Sultanzai Dara via kacha road towards the picket. The persons, on seeing the police party, turned back who were chased by the local police but they abandoning a yellowish pink colour plastic bag made their escape good from the spot. The search of the bag led the complainant to the recovery of 20 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 20,000 grams. The persons were identified by the police as Jamshid Afridi, the present accused/petitioner and Muhammad Hussain, the absconding accused. Hence, the present FIR.


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

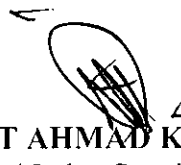
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3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged, falls within the prohibitory clause of section 497 CrPC but the accused/petitioner was not arrested on the spot and the recovery of chars has not been made from immediate possession of the accused/petitioner. Moreover, there is nothing available on file to show that as to how the local police identified the accused/petitioner.
4. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioner submits a bail bond in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of this court. 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:
06.11.2023


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