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

Bail Application No : 151/4 of 2021  
Date of Institution : 29.07.2021  
Date of Decision : 31.08.2021

SABIR REHMAN ETC. VS THE STATE

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ORDER

Accused/petitioners on ad-interim pre-arrest bail alongwith their counsel present. DPP, Umar Niaz for the State present. Record received. Arguments heard and record gone through.

2. Accused/petitioners, 1. Sabir Rehman s/o Haji Gul, 2. Shams Ur Rehman s/o Muhammad Yousaf seek confirmation of their pre-arrest bail in case FIR No. 20, dated 10.07.2021 registered U/S 9 (d) CNSA at Police Station Mishti Mela Lower Orakzai, wherein as per contents of FIR, the complainant alongwith other police officials having laid a picket, was present on the spot, where a motorcycle riding by two unknown persons was signaled to stop but the motorcyclists by abandoning the motorcycle made their escape good from the spot. A sack on the motorcycle was searched which led to the recovery of 08 packets of chars, each weighing 1100 grams. The present


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

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accused/petitioners were charged in instant case on the basis of information.

3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR and huge quantity of chars have been shown recovered from the motorcycle allegedly abandoned by the accused/petitioners, but the accused/petitioners are neither arrested on the spot nor the recovery has been made from their possession. There is nothing available on file to show that as to how the complainant was able to identify or later on trace out the accused/petitioners. The prosecution failed to point out that as to what useful purpose of it would be served if the accused/petitioners were committed to police custody except the probability of humiliation and unjustified harassment of the accused/petitioners at the hands of police.
4. Therefore, in the light of above, the BBA in hand stands accepted and ad-interim bail earlier granted to the accused/petitioner stand confirmed on the strength of existing bail bonds.
5. File be consigned to Sessions Record Room after further compilation and completion

**Announced**  
31.08.2021

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