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

Bail Application No : 160/4 of 2021
Date of Institution : 30.08.2021
Date of Decision : 31.08.2021

MUHAMMAD NAWAB VS THE STATE

ORDER

DPP, Umar Niaz for the State and Shaheen Muhammad Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Nawab seeks his release on bail in case FIR No. 31, dated 27.08.2021 registered U/S 9 (d) CNSA at Police Station Ghiljo Upper Orakzai, wherein as per contents of FIR, the complainant alongwith other police officials, on receipt of information regarding smuggling of huge quantity of narcotics by the accused/petitioner, laid a picket on the spot, where a Flying Coach (Passenger vehicle), on way from Dabori side, was stopped. A person handicapped of both legs, was deboarded, whose personal search led the complainant to the recovery of 1100 grams of chars. Hence, the present case.

3. It is evident from the record that through the accused/petitioner is directly nominated in the FIR

Shaukat Ahmad Khan
District & Sessions Judge,
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and recovery of chars has been shown made from his possession, however 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 associate any witness from the public with the process of search or recovery. FSL report is not available on record to determine the nature of the recovered substance. Moreover, accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, 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 briefly mentioned above, bail petition in hand stand 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 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.

Announced
31.08.2021


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