

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

Bail Application No. : 162/4 of 2021
Date of Institution : 02.09.2021
Date of Decision : 06.09.2021

SHAHID ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for State and Ishtiaq Ur Rehman Advocate for accused/petitioner present.
Record received. Arguments heard and record gone through.

2. Accused/petitioner, Shahid Ullah s/o Naseer Ullah Jan seeks his bail in case FIR No. 103, dated 27.08.2021 registered U/S 9 (d) KP CNSA at Police Station Kalaya, Lower Orakzai, wherein as per contents of FIR the local police during patrolling searched the person of the accused/petitioner and recovered two packets of chars, each weighing 1000 grams from trouser fold of the accused/petitioner.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the recovery of chars has been shown made from personal possession of the accused/petitioner but, the place of occurrence is a public place and

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

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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. Moreover, the FSL report is not available on file to show nature of the substance recovered. 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 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
06.09.2021



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