

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

Bail Application No. : 167/4 of 2021
Date of Institution : 15.09.2021
Date of Decision : 20.09.2021

HABIB ULLAH ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the state and Jabir Hussain Advocate for accused/petitioners present. Arguments heard and record gone through.

2. Accused/petitioners, Habib Ullah s/o Adam Khan and Nauman Farooq s/o Muhammad Farooq seek their post-arrest bail in case FIR No. 22, dated 10.09.2021 registered U/S 9 (d) KP CNSA at Police Station Kurez Boya, wherein, as per contents of FIR, the local police while present on the spot stopped a white colour Suzuki bearing registration no. DE 238/Islamabad driving by the accused/petitioner Habib Ullah alongwith co-accused/petitioner namely, Nauman Farooq occupying front seat of the Suzuki. The local police searched the vehicle on the basis of suspicion and recovered 4000 grams of chars i.e., two packets of chars from beneath the seat while

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one packet each from the right and left door of the vehicle.

3. It is evident from the record that though accused/petitioners are directly nominated in the FIR with a huge quantity of chars recovered from the Suzuki Van and the offence for which the accused/petitioners are charged attracts prohibitory clause of section 497 Cr.P.C; however, the recovery has not been effected from personal possession of the accused/petitioners rather from the Suzuki Van. Moreover, no site plan is available on file. Furthermore, FSL report is also not available on file to determine the nature of substance recovered.

4. Accordingly, for the reasons mentioned above, bail petition in hand stands accepted and the accused/petitioners named above are admitted to the concession of bail provided each of the accused/petitioners submits a bail bond in the sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means. Consign.

Pronounced:
20.09.2021



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