

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

Bail Application No. : 172/4 of 2021  
Date of Institution : 23.09.2021  
Date of Decision : 28.09.2021

SAOOD KHAN VS THE STATE

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ORDER

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

2. Accused/petitioner, Saood Khan s/o Muhammad Ayub Khan seeks his post arrest bail in case FIR No. 33, dated 21.09.2021 registered U/S 9 (c) KP CNSA at Police Station Mishti Mela, wherein, as per contents of FIR, the local police while present on the spot stopped a person riding a motorcycle who was on his way from Mishti Mela and recovered 920 grams of chars from his possession.


3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR but the recovery of chars has not been shown made from personal possession of the accused/petitioner. Moreover, the place of occurrence is a public place

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
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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. Moreover, the FSL report is not available on file to show the nature of substance recovered. Furthermore, the offence for which the accused/petitioner is charged does not attract the prohibitory clause of section 497 Cr.P.C. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. 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 stands 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.

**Pronounced:**  
28.09.2021

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