

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

Bail Application No. : 6/4 of 2022  
Date of Institution : 25.01.2022  
Date of Decision : 27.01.2022

IRSHAD ETC. VS THE STATE

ORDER

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

2. Accused/petitioners, Irshad s/o Taj Muhammad and Shahid s/o Jaana Gul seek their post-arrest bail in case FIR No. 07, dated 23.01.2022 registered U/S 9 (d) of Khyber Pakhtunkhwa CNSA at Police Station Kalaya, Lower Orakzai, wherein as per contents of FIR, the local police during routine patrolling, laid a picket on the spot where at about 1130 hours, a motorcycle riding by two persons was stopped. The personal search of each of the accused/petitioner led the complainant to the recovery of 2000 grams of chars from their trousers-fold. Hence, the present FIR.

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


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witness from the public with the process of search or recovery. Moreover, the FSL report is not available on file as to confirm that whether the recovered substance was actually chars or otherwise. Moreover, the accused/petitioners as per certificates produced by the counsel for accused/petitioners are below the age of 16 years. Further, the accused/petitioners, after their arrest, have gone through the process of investigation but they neither confessed nor admitted their guilt. Furthermore, investigation in the instant case is complete and the accused/petitioners are no more required to the police for further investigation.

4. Hence, in view of that is discussed above, bail petition in hand stands accepted and the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioners submit 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:**  
27.01.2022

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