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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 119/4 of 2021
Muhammad Saud etc. Vs State

| Serial No of order or proceedings | Date of Order Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary |
|-----------------------------------|---------------------------|---|
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| Order No | 14/10/2021 | <p>Mr. Aurangzeb Khan Advocate represented Accused/petitioners; whereas, Mr. Amir Shah APP for State is in attendance.</p> <p>2. This is the disposal of post arrest bail application presented by accused/petitioners Muhamamd Saud s/o Deedan Gul and Faiz Ullah son of Raza Khan r/o Sect Mishti Tappa Darvi Khel, Shalzara, District Orakzai.</p> <p>3. Mr. Saleem Khan SHO and other Police Officials of Police Station Ghiljo, Orakzai were on patrolling of the area when received spy information regarding smuggling of narcotics substance. They had laid barricade near Krappa check post. Muhammad Saud s/o Deedan Gul and Faiz Ullah son of Raza Khan were moving towards the barricade while riding on Motorcycle. Pursuant to spy information, they were searched and 03 packets measuring 1050 grams each of chars were found inside the side cover of the Motorcycle. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 36 dated: 08/10/2021 was registered against the accused/petitioners by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019 in Police Station Ghiljo of District Orakzai. The accused/petitioners were arrested on spot who were later on remanded to Judicial Lockup. Consequently, application for release of accused/petitioners on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file and deep appreciation of evidence is neither required nor warranted. The accused/petitioners were allegedly</p> |


SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

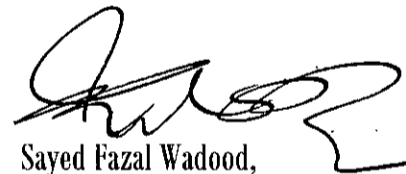
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carrying chars inside the Motorcycle and were arrested on the spot; but, no private witness has been associated with the recovery proceedings. 03 packets of chars each containing 1050 grams were allegedly recovered from their Motorcycle ; yet, report of the Forensic Science Laboratory is still awaited and determination of the recovered narcotics as chars is still awaiting. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. The prime allegation of the Police is that accused was involved in smuggling of chars but the recovery is neither attributed to a particular accused nor shown from direct possession of either of them as the ownership of Motorcycle is yet to be determined. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 120,000/-; with 02 sureties each in the like amount; to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela