

(3)

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

Bail Application No. : 179/4 of 2021  
Date of Institution : 13.10.2021  
Date of Decision : 16.10.2021

IJAZ SAHIL VS THE STATE

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ORDER

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

2. Accused/petitioner, Ijaz Sahil seeks his post-arrest bail in case FIR No. 23, dated 07.10.2021 registered U/S 9 (d) KP CNSA at Police Station Kurez Boya Lower Orakzai, wherein as per contents of FIR, the complainant along with other police officials, acting on information regarding smuggling of narcotics by the present accused/petitioner along with four other co-accused named in the FIR, laid a picket on the spot where a motorcar boarded by the accused/petitioner and the co-accused when arrived on the spot, the accused by abandoning the motorcar tried to escape, out of whom the present

  
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accused/petitioner was overpowered at some distance while the other co-accused made their escape good. The search of the motorcar led the complainant to the recovery of four packets of chars from bumper of the motorcar and six packets of chars from secret cavities of the motorcar. Each packet on weighing turned 1000grams, total of 10000grams of chars.

3. It is evident from the record that through the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged attracts the prohibitory clause of section 497 Cr.P.C. but the recovery of chars has not been made from personal possession of the accused/petitioner, rather from a motorcar, the ownership of which is yet to be determined and which was besides allegedly boarded by the present accused/petitioner was also on board by four other co-accused. In these circumstances the facts that as to who was the owner of motorcar out of the five accused, who was the owner of chars amongst them and that as to whether the present accused/petitioner was of the conscious knowledge of the alleged chars kept in secret cavities of the motorcar, require further inquiry.

  
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4. Accordingly, for the reasons briefly 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**  
16.10.2021



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