

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

Bail Application No. : 185/4 of 2021
Date of Institution : 04.11.2021
Date of Decision : 06.11.2021

MUHAMMAD IMRAN VS THE STATE

ORDER

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

2. Accused/petitioner, Muhammad Imran s/o Din Badshah seeks his post arrest bail in case FIR No. 134, dated 01.11.2021 registered U/S 9 (d) KP CNSA at Police Station Kalaya, wherein as per contents of FIR, the local police having laid a picket were present on the spot, where a motorcycle Honda-125 bearing registration no. 8825/Kohat driving by the present accused/petitioner was stopped. Search of the motorcycle led the complainant to the recovery of 02 packets of chars from beneath the seat of the motorcycle, each weighing 800 grams of chars, total of 1600 grams of chars. Hence, the present FIR.

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 made from personal possession of the accused/petitioner. Moreover, the place of occurrence is a public place and the

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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 nature of the substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, 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:
06.11.2021



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