

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

Bail Application No. : 188/4 of 2021
Date of Institution : 11.11.2021
Date of Decision : 11.11.2021

HABIB ULLAH VS THE STATE

ORDER

Case file received from the court of ASJ-II/Acting Sessions Judge, Orakzai. Register.


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

- Accused/petitioner, Habib Ullah s/o Izat Khan seeks his release on bail in case FIR No. 133, dated 31.10.2021, registered U/S 9 (d) KP CNSA at Police Station Kurez Boya, wherein, as per contents of FIR, the complainant alongwith other police officials having laid a picket were present on the spot, where a motorcycle riding by the accused/petitioner was stopped for the purpose of checking. The search of the motorcycle led the complainant to the recovery of 03 packets of chars, each weighing 800 grams, total 2400 grams of chars from inside the seat cover of the motorcycle. Hence, the present FIR.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
11/11/21

3. It is evident from the record that though 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 the motorcycle. Moreover, though the accused/petitioner is accused of heinous offence but he being of the age of 12-years as per card of arrest, is entitled for the concession of bail under sub-section 4 of section 6 of Juvenile Justice System Act, 2018. Furthermore, the FSL report is not available on file to show the nature of substance recovered.
4. Accordingly, in view of what is discussed 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:
11.11.2021


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