

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

Bail Application No. : 187/4 of 2021
Date of Institution : 10.11.2021
Date of Decision : 11.11.2021

SHAMS HAIDER VS THE STATE

ORDER

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

2. Accused/petitioner, Shams Haider s/o Sirab Ali seeks his post arrest bail in case FIR No. 26, dated 05.11.2021 registered U/S 9 (d) KP CNSA at Police Station Kurez Boya, wherein as per contents of FIR, the local police having laid a picket were present on the spot, where a pick-up was stopped for the purpose of checking. The present accused/petitioner was deboarded from the pick-up, his body search led the complainant to the recovery of 01 packet of chars from his trouser-fold, weighing 1010 grams. 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

but the occurrence has allegedly taken place during broad daylight in a public place and 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 confirm as to whether the recovered substance was actually chars or otherwise. 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 subject to the satisfaction of this court/Judicial Magistrate. The sureties must be local, reliable and men of means. Consign.

Pronounced:

11.11.2021


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