

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

Bail Application No. : 190/4 of 2021
Date of Institution : 19.11.2021
Date of Decision : 20.11.2021

SYED HASHIM ABBAS VS THE STATE

ORDER

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

2. Accused/petitioner, Syed Hashim Abbas s/o Syed Mirza Hussain seeks his release on bail in case FIR No. 28, dated 15.11.2021, registered U/S 9 (d) KP CNSA at Police Station Kurez Boya, wherein, as per contents of FIR, the SHO acting on the information regarding smuggling of narcotics via motorcar bearing no. RCD495/Lahore laid a picket on the spot, where at about 1630 hours the above-mentioned motorcar driving by the present accused/petitioner came on the spot which was stopped by the local police for the purpose of checking. The search of the motorcar led the complainant to the recovery of 01 packet of chars weighing 1100 grams from beneath the driver seat of the motorcar. Hence, the present FIR.


It is evident from the record that though the accused/petitioner is directly nominated in the FIR and


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
20/11/21

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 motorcar, the ownership of which is yet to be determined during the trial. Moreover, the place of occurrence is a public place and the 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. Furthermore, the FSL report is not available on file as to confirm that whether the recovered contraband was actually or otherwise.

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. Consign.

Pronounced:
20.11.2021


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