

(S)

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

Bail Application No. : 189/4 of 2021  
Date of Institution : 18.11.2021  
Date of Decision : 20.11.2021

REHMAT ULLAH VS THE STATE

ORDER

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

2. Accused/petitioner, Rehmat Ullah s/o Syed Ghaffar Gul seeks his release on bail in case FIR No. 38, dated 14.11.2021, registered U/S 9 (d) KP CNSA at Police Station Ghiljo, wherein, as per contents of FIR, the SHO acting on the information regarding smuggling of narcotics via motorcycle laid a picket on the spot, where at about 1100 hours, a motorcycle riding 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 motorcycle led the complainant to the recovery of 02 packets of chars,

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each weighing 1225 grams from beneath the seat of the motorcycle. Hence, the present FIR.

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, 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

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sureties must be local, reliable and men of means.

Consign.

**Pronounced:**  
20.11.2021



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