

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

Bail Application No. : 192/4 of 2021
Date of Institution : 04.12.2021
Date of Decision : 11.12.2021

SHER BAHADAR VS THE STATE

ORDER

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

2. Accused/petitioner, Sher Bahadar s/o Muhammad Khan seeks his post-arrest bail in case FIR No. 32, dated 01.12.2021 registered U/S 9 (d) KP CNSA at Police Station Kurez Boya, wherein, as per contents of FIR, the local police acting on the information regarding smuggling of narcotics via motorcar bearing no. LX1794, laid a picket on the spot. At about 10:00 hours, the above-mentioned motorcar driving by accused Gul Bahadar was stopped for the purpose of checking, but on seeing the police party the accused abandoned the motorcar and made their escape good, however the present accused/petitioner was found seated in the motorcar. He was deboarded and his person was searched but nothing was recovered from his personal search. The search of the motorcar led the complainant to the recovery of 05 packets of chars, each weighing 1200

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grams (total 6000 grams of chars) from beneath the back seat of the motorcar. Hence, the present FIR.

3. It is evident from the record that though accused/petitioner is directly nominated in the FIR with a huge quantity of chars recovered from the motorcar and the offence for which the accused/petitioner is charged attracts prohibitory clause of section 497 Cr.P.C; however, the recovery has not been effected from personal possession of the accused/petitioner rather from the motorcar whose ownership is yet to be determined. Furthermore, the FSL report is not available on file as to confirm that whether the recovered contraband was actually chars or otherwise.

4. Accordingly, for the reasons mentioned above, bail petition in hand stands accepted and the accused/petitioner named above 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:
11.12.2021


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