

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

Bail Application No. : 197/4 of 2021
Date of Institution : 20.12.2021
Date of Decision : 23.12.2021

ALAM SHER ETC. VS THE STATE

ORDER

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

2. Accused/petitioners, Alam Sher and Jaan Sher sons of Umar Daraz seek their post arrest bail in case FIR No. 41, dated 16.12.2021 registered U/S 9 (c) & 11A of Khyber Pakhtunkhwa Control of Narcotic Substances Act at Police Station Ghiljo, wherein, as per contents of FIR, the local police acting on the information regarding selling of ice/chars by Alam Sher and Jaan Sher, the present accused/petitioners, reached the place of occurrence and recovered 30 grams of ice from possession of the accused/petitioner Alam Sher while 600 grams of chars and 30 grams of ice were recovered from possession of the accused/petitioner Jaan Sher. Hence, the present FIR.


3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR but the offence for which the accused/petitioners are charged does not attract the prohibitory clause of

Shaukat Ahmad Khan
23/12/21

section 497 Cr.P.C. 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. Moreover, the FSL report is not available on file to show the nature of substance recovered. Accused/petitioners, after their arrest, have gone through the process of investigation but they have neither confessed nor admitted their guilt. Investigation in the instant case is complete and the accused/petitioners are no more required to the police for further investigation.

4. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioners submit 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:
23.12.2021


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