

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT  
ORAKZAI, AT BABAR MELA**

BA No. 13/4 of 2022

Muhammad Shafi Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 4	31/01/2022	<p>Mr. Sana Ullah Khan Advocate for accused/petitioner; DPP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Muhammad Shafi s/o Yar Wali Shah r/o Qaum Utman Khel Tappa Buzran Khel.</p> <p>3. Mr. Muqaddar Khan ASHO of the Police Station Kalaya, Orakzai along with other police officials were present on barricade. One person was moving towards the barricade riding on Motorcycle while having 3 packets of chars wrapped with yellow scotch tape beneath the Fuel Tank of the Motorcycle. The accused disclosed his name as Muhammad Shafi son of Yar Wali Khan. On recovery of packets, each packet measuring 1100 grams with total of 3300 grams of chars were found in possession of accused. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 41 dated: 20/01/2022 was registered against the accused by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019 in Police Station Kalaya of District Orakzai. The accused was arrested on spot who was later on remanded to Judicial Lockup. Consequently, application for release of accused on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Public Prosecutor for State were heard at length and file gone through.</p> <p>5. The accused/petitioner was allegedly carrying chars and was arrested on the spot. The quantity of 3300 grams of chars was recovered from his direct and personal possession that has been supported with ocular evidence of the witnesses recorded on memorandum of recovery. The parcels separated for the purpose of examination through</p>

  
**SAYED FAZAL WADOOB**  
 Addl. District & Sessions Judge  
 Orakzai at Mangu

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channel of Forensic Science Laboratory have promptly been sent. The huge quantity of chars apparently rules out the chance of false implication. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. Arrest of accused on the spot and recovery of huge quantity of chars connect the accused with the commission of offence on its face and thus the Court is not inclined to extend him concession.

6. For what has been discussed above, instant bail petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.



**Sayed Fazal Wadood,**  
ASJ/JSC, Orakzai at Baber Mela