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BA No. 79/4 of 2023
ABDUL WAHID VS STATE
FIR No. 23, Dated 18.11.2023, u/s 9 (d) CNSA, PS Dabori
IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 79/4 of 2023
Date of Original Institution : 20.11.2023
Date of Transfer-In : 27.11.2023
Date of Decision : 27.11.2023

ABDUL WAHID VS THE STATE

ORDER

Bail Application titled "Abdul Wahid VS State" requisitioned vide application submitted by the counsel for the accused/petitioner. Registered.

2. DPP, Umar Niaz for State and Khursheed Alam Advocate for accused/petitioner present. Arguments heard and record gone through.

3. Accused/petitioner, **Abdul Wahid** s/o Nasrullah Jan seeks his post-arrest bail in case FIR No. 23, dated 18.11.2023, u/s 9 (d) CNSA of Police Station Dabori, wherein as per contents of FIR, the police, having laid a picket were present on the spot where at about 1100 hours a person walking on foot from southern side of police station towards the spot was stopped on the basis on suspicion. His personal search led the complainant to the recovery of one packet of chars wrapped with yellow colour scotch tape, weighing 1300 grams from his trouser-fold. Hence, the present FIR.

4. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that the alleged occurrence has taken place on 18.11.2023 but the FSL report is not available on file, that there is no previous history of the accused/petitioner in such like cases.

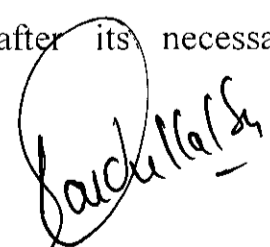

Syed Obaidullah Shah
District & Session Judge
Orakzai at Baber Mela

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5. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot and more than 01 kilogram of chars has been recovered from his possessions.
6. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows 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 CrPC; however, 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 yet awaited to show nature of the substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.
7. Hence, 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.
8. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 27.11.2023



(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela

