

IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 80/4 of 2023
Date of Institution : 27.11.2023
Date of Decision : 30.11.2023

MATAWAR KHAN VS THE STATE

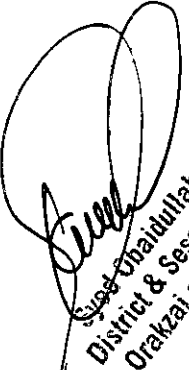
ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Arguments have already been heard.

2. Accused/petitioner, **Matawar Khan** s/o Hameed Ullah seeks his post-arrest bail in case FIR No. 50, dated 26.11.2023, u/s 9 (d) CNSA of Police Station Kurez, wherein as per contents of FIR, the police during routine patrolling laid a picket on the spot where at about 1900 hours a person walking on foot from Mani Khel Dara towards the picket was stopped on the basis on suspicion. The search of a white colour plastic shopper holding by the accused/petitioner led the complainant to the recovery of one packet of chars wrapped with yellow colour scotch tape, weighing 1100 grams. Hence, the present FIR.

3. Learned counsel for the accused/petitioner 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 26.11.2023 but the FSL report is not available on file, that there is no previous history of the accused/petitioner in such like cases.

4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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and more than 01 kilogram of chars has been recovered from his possessions.

5. 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 FSL report is yet awaited to show the nature of the substance recovered. Moreover, 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.

6. 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.

7. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 30.11.2023



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