

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

BA No. 16/4 of 2022

Wazir Khan 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. 3	31/01/2022	<p>Mr. Sana Ullah Khan Advocate for accused/petitioner; Mr. Umar Niaz Khatak DPP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Wazir Khan s/o Fazal Hakeem r/o Zakha Khel District Khyber.</p> <p>3. Mr. Umar Khan SI of the Police Station Daboori, Orakzai along with other police officials were present on barricade. Two persons were coming towards the barricade while having 2 white sealed bags in their hands, who disclosed their names as Jan Wali and Wazeer Khan. On suspicion, they were searched and 02 tied plastic sacks measuring 2000 grams and 3000 grams in the second sack of chars were found in possession of both accused. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 01 dated: 19/01/2022 was registered against the accused by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019 in Police Station Daboori of District Orakzai. The accused were arrested on spot who were later on remanded to Judicial Lockup. Consequently, application for release of accused namely Jan Wali assigned with the role of having 2000 grams chars, on bail was allowed vide order No. 4 dated 27.01.2022; passed in Cr. MA bearing No. 12/4 of 2022; whereas, application for release of bail of second nominated accused namely Wazir Khan is submitted which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned District Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on</p>

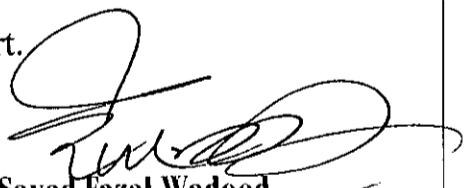
  
**SAYED FAZAL WADOOD**  
 Asst. District & Sessions Judge  
 Orakzai/Hangu

file as deep appreciation of evidence is neither required nor warranted. The accused/petitioner was allegedly carrying chars in shopping bag in his right hand and was arrested on the spot; but, no private witness has been associated with the recovery proceedings. The quantity of 3000 grams of chars was allegedly recovered from his direct and personal possession; yet, report of the Forensic Science Laboratory is still awaited and determination of the recovered items as chars is before time. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. The co-accused has already been extended the concession of bail that attracts rule of consistency to the present petitioner. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 120,000/-; with 02 sureties; each in the like amount, to the satisfaction of this Court.

7. 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