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

Bail Application No. : 10/4 of 2022
Date of Institution : 29.01.2022
Date of Decision : 01.02.2022

INZIR GUL ETC. VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan for accused/petitioners present. Record received. Arguments heard and record gone through.

2. Accused/petitioners, Inzir Gul s/o Gul Marjaan and Said Umar s/o Yaar Muhammad seek their post-arrest bail in case FIR No. 145, dated 23.12.2021 registered U/S 9 (d) KP CNSA at Police Station Kalaya, wherein as per contents of FIR, the local police acting upon the information regarding smuggling of narcotics by the above-named accused/petitioners via motorcycle, laid a picket on the spot where at about 1430 hours a motorcycle riding by two persons on way towards the spot, on seeing the police party threw a bag and made their escape good from the spot. The search of the bag led the complainant to the recovery of 26 packets of chars, each weighing 1000 grams, a total of 26000 grams of chars. Hence, the present case.

3. It is evident from the record that though accused/petitioners are directly nominated in the FIR

Shaukat Ahmad Khan
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with a huge quantity of chars from the bag thrown by the accused/petitioners and the offence for which the accused/petitioners are charged attracts prohibitory clause of section 497 Cr.P.C; however, the recovery has not been effected from personal possession of the accused/petitioners. Moreover, FSL report is also not available on file to show that whether the recovered substance is actually chars or otherwise. Furthermore, Accused/petitioners, after their arrest, have gone through the process of investigation but they have neither confessed nor admitted their guilt and the investigation in the instant case is complete and the accused/petitioners are no more required to the police for further investigation.

4. Accordingly, for the reasons mentioned 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. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means. Consign.

Pronounced:
01.02.2022


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