

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

BA No. 33/4 of 2022
Jahanzeb 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	30/03/2022	<p>Mr. Jabir Khan Advocate for accused/petitioner and Mr. Javid Akhtar Wazir Sr.PP for State are in attendance.</p> <p>2. Application for transfer of case on the ground of absence of learned Presiding Officer on station leave to be followed by public holiday is presented on which case was put in court. The petition being transferred is accepted and case is requisitioned. Notice has been given to prosecution. Necessary entries be made accordingly.</p> <p>3. Record is before the Court. Counsel representing petitioner and Senior Prosecutor have been heard; whereas, this is the disposal of Post arrest bail application presented by accused/petitioner Jahanzeb Khan s/o Ajmir Khan r/o Qaum Ali Khel, Tappa Sher Khel and District Orakzai.</p> <p>4. Mr. Imtiaz Khan, SHO along with other police officials of Police Station Ghiljo, Orakzai were available on barricade. One Flying Coach blue colored came from Khyber side and was stopped by the complainant for the purpose of checking. While searching of the said Flying Coach, one person seated on second seat was deboarded. On suspicion, he was searched and one packet of chars measuring 1050 grams was found in his budh shalwar which was wrapped in yellow scotch tape. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 10 dated: 27/03/2022 was registered against the accused by attracting Section 9-D of the Control of KP Narcotics Substances Act, 2019 in Police Station Daboori 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>5. Learned counsel for accused/petitioner and learned</p>

(Signature)
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 District & Sessions Judge
 Orakzai at Babar Mela

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Senior Public Prosecutor for State were heard at length and file gone through.

6. This is tentative assessment of record available on file and deep appreciation is neither required nor warranted. The accused/petitioner was allegedly carrying chars in his personal possession and was arrested on the spot; but, no private witness has been associated with the recovery proceedings. The quantity of 1050 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 material as chars is pre mature. Moreover, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. The case of accused/petitioner is also not falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. All these facts render the case of petitioner as one of further inquiry.

7. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 100,000/-; with two sureties, each in the like amount; to the satisfaction of this Court.

8. 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.

9. Announced in open Court.

SAYED FAZAL WADOOD
Additional Sessions Judge/SC
Orakzai at Baber Mela