

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

Bail Application No. : 2/4 of 2024

Date of Institution : 03.01.2024

Date of Decision : 08.01.2024

FARMAN ULLAH KHAN VS THE STATE


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ORDER

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

2. Accused/petitioner, **Farman Ullah Khan** s/o Rauf Khan seeks his post-arrest bail in case FIR No. 55, dated 30.12.2023, u/s 9 (d) CNSA of Police Station Kurez, wherein as per contents of FIR, the complainant along with other police officials during routine patrolling were present on the spot where at about 1630 hours a person walking on foot on RHC Starsam Hospital Road was stopped on the basis of suspicion. A white colour plastic shopper held by the person was searched by the complainant wherefrom 2400 grams of chars wrapped with yellow colour scotch tape were recovered. 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 30.12.2023 but the FSL report is yet not available on file, that there is no previous history of the accused/petitioner in such like cases.

  
87/01/2024  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

BA No. 2/4 of 2024  
FARMAN ULLAH KHAN VS STATE  
FIR No. 55, Dated 30.12.2023, u/s 9 (d) CNSA,  
Police Station Kurez

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 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 that whether the recovered substance was actually chars or otherwise. 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: 08.01.2024



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