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

Bail Application No. : 35/4 of 2022  
Date of Institution : 28.04.2022  
Date of Decision : 30.04.2022

ABDUL SATTAR VS THE STATE

ORDER

APP, Nisar Ahmad for the State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.


2. Accused/petitioner, **Abdul Sattar** s/o Riayat Khan seeks his post-arrest bail in case FIR No. 09, dated 07.03.2022 registered U/S 9 (d) & 11A of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 at Police Station Mishti Mela, wherein, as per contents of FIR, the complainant alongwith SDPO Orakzai and other police officials acting on the information regarding smuggling of narcotics, laid a picket on the spot where at about 1500 hours, three persons, one of them having a bag on his shoulder with blue colour shoppers holding by the other two persons in their hands, were stopped. The persons disclosed their names as Ameen Ullah, Abdul Sattar (present accused/petitioner) and Muhammad Saeed. The

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District & Sessions Judge,  
Orakzai at Baber Mela  
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search of the shopper held by the accused/petitioner led the complainant to the recovery of 04 packets of chars, each weighing 1000 grams, a total of 4000 grams of chars. Similarly, the other two accused namely, Ameen Ullah and Muhammad Saeed were also found in possession of 4000 grams of chars and 9000 grams of chars with 09 grams of ice respectively, recovered from the plastic shopper held by the accused Ameen Ullah in his hand and a bag held by the accused Muhammad Saeed on his shoulder. Hence, the present FIR.

3. It is evident from the record 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 Cr.P.C but the co-accused Ameen Ullah with similar role of having in his possession 4000 grams of chars, has been released on bail by the Honorable Peshawar High Court, Peshawar vide order dated 24.04.2022 on the ground of non-availability of the FSL report on file till then. It is evident from the record that the FSL report is still not available on file; therefore, the present accused/petitioner is entitled to the concession of bail on the rule of consistency.

  
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4. Hence, without touching the merits of the case, the present accused/petitioner is admitted to the concession of bail on the basis of rule of consistency, provided he submits a bail bond in 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.

5. Copy of this order be placed on police/judicial file. Record be returned and file of this court be consigned to record room.



**Pronounced:**  
30.04.2022

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