

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

BA No. 57/4 of 2022
Kamal Hussain 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	30.05.2022	<p align="center">Mr. Sana Ullah Khan Advocate for accused/petitioner; Mr. Javed Akhtar Wazir Sr.PP for State are in attendance.</p> <p>2. This is the disposal of post arrest bail application presented by accused/petitioner Kamal Hussain son of Sardar Hussain, resident of Kara Mela, Parachinar, Tehsil Upper District Kurram.</p> <p>3. Mr. Naseeb Khan SHO of the Police Station Mishti Mela, Orakzai along with other police officials were on routine patrolling of the area. Spy information has been received regarding smuggling of chars and other allied material. Sequel to such information, a barricade has been established under the supervision of SDPO Central Orakzai and intercepting suspected vehicles was launched. A Toyota Pickup vehicle bearing No. 7481 Peshawar was stopped and deboarded the driver Khanzada and two others including present petitioner from the front seat of the vehicle. During search of the vehicle, 24780 grams of Ice drug, duly packed in plastic cane had been recovered from the secret cavities. Similarly, the total 25000 grams of chars had also been recovered from the cavities designed for such smuggling. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 07 dated: 22/02/2022 was registered against the accused by attracting Section 9-D and 11-C of the KP Control of Narcotics Substances Act, 2019 in Police Station Mishti Mela of District Orakzai. The accused were arrested on spot and later on remanded to Judicial Lockup. Consequently, application for release on bail for one of the accused is presented which is under consideration.</p>

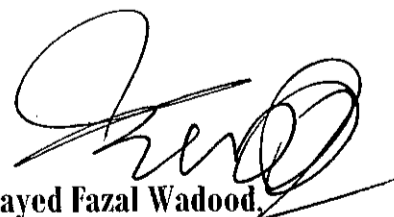
SAYED FAZAL AHMAD
District & Sessions Judge
Orakzai at Harigu

4. Learned counsel for accused/petitioner and learned Public Prosecutor for State were heard at length and file gone through.

5. This tentative assessment of record available on file as deep appreciation of evidence is neither required nor necessary for being stage of bail. The accused/petitioner was carrying chars and Ice drug who was arrested on the spot. The quantity of 24780 grams of Ice drug and 25000 grams of chars were recovered from the secret cavities of vehicle specially designed for the purpose of smuggling that has been supported with ocular evidence of the witnesses recorded on memorandum of recovery. The parcels separated for the purpose of examination through channel of Forensic Science Laboratory have promptly been sent. The huge quantity of chars and Ice drugs apparently rules out the chance of false implication. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. Arrest of accused on the spot and recovery of huge quantity of chars and Ice drugs connect the accused with the commission of offence on its face and thus the Court is not inclined to extend him concession of bail.

6. For what has been discussed above, instant bail petition stands dismissed. File of this Court be consigned to District Record Room, Orakzai 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