

(8)

BA No. 3/4 of 2024  
ZARIF KHAN VS STATE  
FIR No. 01, Dated 02.01.2024, u/s 9 (d) CNSA,  
Police Station Mishti Mela

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

Bail Application No. : 3/4 of 2024  
Date of Institution : 08.01.2024  
Date of Decision : 15.01.2024

ZARIF KHAN VS THE STATE

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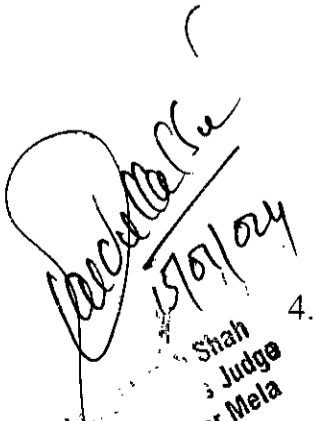
ORDER

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

2. Accused/petitioner, **Zarif Khan** s/o Akbar Jan seeks his post-arrest bail in case FIR No. 01, dated 02.01.2024, u/s 9 (d) CNSA of Police Station Mishti Mela, wherein as per contents of FIR, the complainant Naseeb Khan SHO along with other police officials laid a picket on the spot where at about 1530 hours a person walking on foot on way from Isa Khel holding a bag in his hand, on seeing the police party tried to run away but he was over powered. Nothing incriminating was recovered from his personal search. The search of the bag led the complainant to the recovery of 4010 grams of chars. 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 there is no previous history of the accused/petitioner in such like cases and that the FSL report is not available on file.

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

  
15/01/2024  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

and huge quantity 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 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. Moreover, sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence. Though the FSL report is not available on file but the samples have been transmitted to the FSL within the prescribed period and the case is in its initial stage, therefore, the same is yet awaited. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

6. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 15.01.2024



*Obaidullah Shah*  
15/01/2024  
(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special Court,  
Orakzai at Baber Mela