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

Bail Application No. : 55/4 of 2022
Date of Institution : 04.07.2022
Date of Decision : 06.07.2022

JAWAD VS THE STATE

ORDER

DPP, Umar Niaz for the State and Mr. Abid

Ali Advocate for accused/petitioner present.

Record received. Arguments heard and record gone through.

2. Accused/petitioner, Jawad s/o Mairos, r/o tribe Zakha Khel, Tapa Zaodin, Sheen Kamar District Khyber seeks his post arrest bail in case FIR No. 66, dated 30.06.2022 registered U/S 9 (c) of the Khyber Pakhtunkhwa CNSA, 2019 at Police Station Kalaya, wherein, as per contents of FIR, the complainant along with other police officials during routine patrolling having laid a picket on the spot, stopped a person on way from Headquarter chowk whose personal search led the complainant to the recovery of 900 grams of chars from his trouser-fold. Hence, the present FIR.


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai, Baber Mela

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and recovery of chars has been shown made from

(7)


personal possession of the accused/petitioner but the place of occurrence is a public place and the occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Moreover, the FSL report is not available on file to show as to whether the recovered substance was actually chars or otherwise. Furthermore, the offence for which the accused/petitioner is charged does not attract the prohibitory clause of section 497 Cr.P.C.

4. 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.

5. Police record be returned and file of this court be consigned to record room.

Pronounced:
06.07.2022




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