

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

Bail Application No. : 56/4 of 2022
Date of Institution : 05.07.2022
Date of Decision : 07.07.2022

TAUQEER ALI VS THE STATE

ORDER

DPP, Umar Niaz for State present. Clerk of the counsel for accused/petitioner present. He submitted written arguments. Placed on file. Record received and gone through in the light of arguments advanced by learned DPP for the state and the written arguments submitted by learned counsel for accused/petitioner.

2. Accused/petitioner, Tauqeer Ali s/o Noorab Khan, r/o caste Bar Muhammad Khel, Tapa Terayi PO Kada Bazar Tehsil Lower District Orakzai seeks his post-arrest bail in case FIR no. 13, dated 03.07.2022, u/s 9 (d) CNSA of Police Station Kurez Boya, wherein as per contents of FIR, the complainant along with other police officials having laid a picket on the spot, stopped a white colour Flying-coach on way from Teerah towards the spot. A person seated on the rear of the vehicle was deboarded having a yellow colour plastic bag

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in his right hand, the search led the complainant to the recovery of 03 packets of chars, each weighing 800 grams of chars (total of 2400 grams of chars). 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 falls within the prohibitory clause of 497 CrPC but the place of occurrence is a public place, the occurrence has allegedly taken place during broad daylight and the accused/petitioner has been deboarded from a passenger vehicle but no effort has been made to associate any witness from the public with the process of search or recovery even the registration number of the vehicle and the name of the driver of the vehicle are not mentioned in the report. Furthermore, the FSL report is not available on file to show as to whether the recovered substance was actually chars or otherwise. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

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4. Accordingly, for the reasons mentioned 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/Judicial Magistrate. The sureties must be local, reliable and men of means. Consign.

Pronounced:

07.07.2022



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Sessions Judge/ Judge Special Court,
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