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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Petition No. 05/BA of 2024

"Muhammad Haroon... Versus ... The State"

Order---5
17.01.2024

Mr. Javid Muhammad Panji Advocate for accused/
petitioner and DyPP for State are in attendance.

Accused/petitioner Muhammad Haroon s/o Gul
Muhammad seeks his post arrest bail in case FIR no. 115 dated:
27.12.2023 under section 9-D of KP CNSA of Kalaya Police
Station, Orakzai.

Complainant and other police officials laid a barricade
upon receiving spy information regarding the smuggling of
chars, meanwhile, a motorcar of black color approached from
Utman Khel side and was stopped for the purpose of search; that
two persons sitting in the car were deboarded and bodily
searched, however, nothing incriminating recovered from their
personal possession; that during search of the vehicle and as per
information of the spy, the police recovered 07 packets of chars
wrapped with yellow scotch tape from the above cavity made
over the right side of tyre which Wahid ullah has shown his
ownership, whereas, recovered 06 packets of chars wrapped
with yellow scotch tape from the above cavity made over the left
side of tyre which Muhammad Haroon has shown his
ownership; that all the recovered packets weighed 1000 grams
each making total quantity of 13000 grams; that 10 grams of
chars each was separated from each packet and packed in parcel
no. 1 to 13 for FSL and the balance chars was packed in parcel
no. 14. Accused were arrested and the FIR was registered.

Arguments heard and record gone through.

This is tentative assessment of record available on file as
deep appreciation of case file is neither required nor warranted
at this stage. The accused/petitioner was allegedly carrying chars
in his Motor Car and was arrested on the spot. No doubt, the FSL
report has not received till date, however, not only a huge
quantity of 13000 grams of chars was recovered from the secret

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17/01/2024
Abdul Basit
Addl: District & Sessions Judge
Orakzai at Baber Mela

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cavities of the motorcar, out of which test samples were separated for the purpose of examination and sent to the FSL within statutory period. Although, the copy of DMC submitted by learned counsel for accused/petitioner suggests that accused/petitioner is juvenile, however, it is observed that due to relaxation of bail provision to the juveniles, a general practice is prevailing in the society that the criminal are involving the juveniles in the commission of serial offenses/crimes so that in case of their arrest, they may be released on bail by availing the benefit of juvenility. Since accused/petitioner is found trafficking the huge quantity of chars, which carries maximum punishment and also falls within the ambit of restructure clause of section 497 Cr.PC. Arrest of accused on the spot and recovery of huge quantity of chars connect the accused with the commission of offence on its face and thus the Court is not inclined to extend him concession of bail, hence, the application is dismissed.

Requisitioned record be returned to the quarter concerned and file of this court be consigned to record room after necessary completion and compilation.

Announced
17.01.2024


(Abdul Basit)
Addl. Sessions Judge-II/JSC,
Orakzai