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BA No. 7/4 of 2024
MUJAHID KHAN VS STATE
FIR No. 01, Dated 14.01.2024, u/s 9 (d) CNSA,
Police Station Kurez

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

Bail Application No. : 7/4 of 2024
Date of Institution : 22.01.2024
Date of Decision : 24.01.2024

MUJAHID KHAN VS THE STATE

ORDER

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

2. Accused/petitioner, **Mujahid Khan** s/o Jannat Gul seeks his post-arrest bail in case FIR No. 01, dated 14.01.2024, u/s 9 (d) CNSA of Police Station Kurez, wherein as per contents of FIR, the complainant Muhammad Younas SHO along with other police official, duly armed in official vehicle during routine patrolling, where at about 1020 hours a rider of a motorcycle on way from Dara Mani Khel side, was signaled to stop, on seeing the police party tried to turn back and fell down besides tried to run away as well but he was over powered, having a white colour sack, which was searched by the complainant who recovered 09 packets of chars wrapped with yellow colour scotch tape, each packet weighing 1000 grams, making a total of 9000 grams. Hence, the present FIR.

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.


3.
24/07/24
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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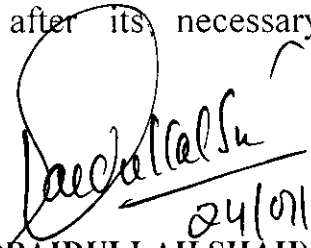
4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence and huge quantity of chars has been recovered from his possessions.

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. 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.

Dated: 24.01.2024




(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela