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

Petition No. 110/BA of 2023

"Tahir... Versus ... The State"

Order---3
22.12.2023

Mr. Sana Ullah Khan Advocate for accused/petitioner;
Sr.PP for State are in attendance.

Arguments heard; whereas, this is the disposal of Post arrest bail application presented by accused/petitioner Tahir son of Shal Akbar caste Utman Khel, resident of, District Orakzai.

Mr. Muqaddar Khan ASHO of the Police Station Kalaya, booked the present accused Tahir for possessing 95 grams ICE along with co-accused, having ICE in their possession. Criminal Law was brought into motion against the accused and resultantly, FIR No. 100 dated: 01.11.2023 was registered against the accused under Section 11-B of the KP Control of Narcotics Substances Act, 2019 in Kalaya Police Station, Orakzai. The accused were arrested on spot who was later on remanded to Judicial Lockup. Consequently, application for release of accused/petitioner on bail was received.

Learned counsel for accused/petitioner and Deputy Public Prosecutor for State were heard at length and file gone through.

This is tentative assessment of record available on file as deep appreciation of evidence is neither required nor warranted. The accused/petitioner was allegedly having 95 grams ICE drug in his possession and was arrested on the spot; but, no private witness has been associated with the recovery proceedings. It is a border line case between section 11-A and 11-B KP of Control of Narcotics Substance Act 2019. Application for FSL was made with delay of 03 days. The quantity of 95 grams of ICE drugs was allegedly recovered from his direct and personal possession; yet, report of the Forensic Science Laboratory is still awaited and determination of the recovered items as ICE drug is before time. More so, there is nothing as per available record that

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Abdul Basit
Addl: District & Sessions Judge
Orakzai at Baber Mela

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accused/petitioner was previously involved in the same nature of cases. All these facts renders the case of petitioner as one of further inquiry. Similarly, the co-accused with similar role has already been released on bail by this court vide order dated 30.11.2023 and thus rule of consistency is very much attracted to the case of petitioner, who is also entitled for the same concession.

For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 100,000/- with two sureties each in the like amount to the satisfaction of this Court. Sureties must be local, reliable and men of means.

Copies of this order be placed on judicial and police records. The received record be returned to headquarter concerned.

File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for.



Announced
22.12.2023

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