

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

Bail Application No. : 16/4 of 2022
Date of Institution : 23.02.2022
Date of Decision : 02.03.2022

MUHAMMAD TALHA VS THE STATE

ORDER

DPP, Umar Niaz for the State and Khursheed Alam Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Talha s/o Fida Muhammad seeks his post arrest bail in case FIR No. 06, dated 21.02.2022 registered U/S 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 at Police Station Dabori, wherein as per contents of FIR, the local police, having laid a picket, were present on the spot where at about 1315 hours a Flying-Coach of white colour was stopped for the purpose of checking. The accused/petitioner having a plastic bag in his lap, was deboarded from the vehicle. The search of the bag led the complainant to the recovery of 01 packet of chars wrapped with yellow colour adhesive tape, weighing 1050 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

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and the recovery of chars has been made from 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 even the registration number of the vehicle or the name of the driver is mentioned in the report. Moreover, the FSL report is not available on file to show that as to whether the recovered contrabands were actually chars or otherwise. Furthermore, accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

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. The sureties must be local, reliable and men of means.

Consign.

Pronounced:
02.03.2022



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