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IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA

BA No. 30/4 of 2022
Muhammad Saeed Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 4	30/03/2022	<p>Mr. Rahat Ali Khan Nahqi Advocate for accused/petitioner; Mr. Javid Akhtar Wazir Sr. PP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Muhammad Saeed son of Syed Ahmed, resident of Qum Shalobar, Bar Qambar Khel, Bara District Khyber.</p> <p>3. Mr. Akhtar Munir ASHO and other Police Officials of Police Station Mishti Mela, Orakzai were reportedly on routine patrolling of the area received spy information regarding smuggling of chars. They laid on barricade established pursuant to spy information regarding such smuggling. Three persons were coming towards the barricade while having green color sacks in their possession. On suspicion, they were stopped and searched; 09 packets measuring 1000 grams each with total of 9000 grams of chars were found in the sack possessed by the petitioner; whereas, the other two accused were having sacks of chars measuring 4000 grams each. Criminal Law was brought into motion against the accused including present petitioner and resultantly, FIR bearing No. 09 dated: 07/03/2022 was registered by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019 in Police Station Mishti Mela of District Orakzai. The accused including present petitioner were arrested on spot whom were later on remanded to Judicial Lockup. Consequently, application for release of one of the accused named above on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Senior Public Prosecutor for State were heard at length and file gone through.</p>

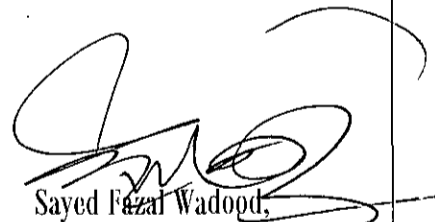

SAYED FAZAL WADOO
Addl. District & Sessions Judge
Orakzai at Hangul

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5. 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 and was arrested on the spot. The huge quantity of 9000 grams of chars was allegedly recovered from the sack which was in direct possession of accused that has been supported with ocular evidence of the witnesses recorded on memorandum of recovery. The parcels separated for the purpose of examination through channel of Forensic Science Laboratory have promptly been sent. The huge quantity of chars apparently rules out the chance of false implication. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. Arrest of accused/petitioner on the spot and recovery of huge quantity of chars connect the accused/petitioner with the commission of offence on its face and thus the Court is not inclined to extend him concession of bail.

6. For what has been discussed above, instant bail petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela