

(7)

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

Bail Application No. : 82/4 of 2022
Date of Institution : 05.10.2022
Date of Decision : 11.10.2022

SHAUKAT REHMAN VS THE STATE

ORDER

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

2. Accused/petitioner, Shaukat Rehman s/o Azram Khan, r/o caste Mishti, Tapa Haider Khel, Ibrahimzona, Tehsil Central, District Orakzai seeks his post-arrest bail in case FIR no. 38, dated 02.10.2022, u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act of Police Station Mishti Mela, wherein, as per contents of FIR, at about 1830 hours the complainant along with other police officials having laid a picket, stopped a motorcycle driving by the accused/petitioner. The search of the motorcycle led the complainant to the recovery of a white colour bag tied with the safeguard of the motorcycle containing 02 packets of chars, each weighing 1000 grams, a total of 2000 grams of chars. Hence, the present FIR.


Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela

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3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR; however, the place of occurrence is a public place but no effort has been made to associate any witness from the public with the process of search or recovery. Moreover, the FSL report is not available on file as to show that whether the recovered substance was actually chars or otherwise. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.
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 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.
5. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
11.10.2022




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