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

Bail Application No. : 84/4 of 2022

Date of Institution : 11.10.2022

Date of Decision : 13.10.2022

KHALIL ULLAH VS THE STATE

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ORDER

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

2. Accused/petitioner, Khalil Ullah s/o Saadi Khan seeks his post-arrest bail in case FIR No. 39, dated 04.10.2022, u/s 9 (d) CNSA and 15AA of Police Station Mishti Mela, wherein as per contents of FIR, the local police having laid a picket were present on the spot where a person walking on foot holding a blue colour plastic bag in his right hand, on seeing the police party tried to make his escape good from the spot but he was overpowered by the police party whose person was searched which led the complainant to the recovery of a 30-bore pistol bearing no. 2997 along with a fixed charger with 04 live rounds. Similarly, from the plastic bag holding by the person, 01 packet of chars weighing 1100 grams were recovered. Hence, the present FIR.

Shaukat Ahmad Khan  
District & Sessions Judge  
Orakzai at Baber Mela  
13/10/22


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3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR 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. Moreover, the FSL report is not available on file to show that whether the recovered substance was actually chars or otherwise and whether the recovered pistol was in working condition or otherwise. 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.

5. Police record be returned and file of this court be consigned to record room.

**Pronounced:**  
13.10.2022

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

