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

Bail, Application No. : 83/4 of 2022  
Date of Institution : 10.10.2022  
Date of Decision : 13.10.2022

Haj MUHAMMAD VS THE STATE

ORDER

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

2. Accused/petitioner, Haj Muhammad s/o Kaman Khel seeks his post arrest bail in case FIR No. 37, dated 02.10.2022 registered u/s 11-A of the Khyber Pakhtunkhwa Control of Narcotic Substances Act at Police Station Mishti Mela, wherein, as per contents of FIR, the local police having laid a picket on the spot, stopped a person on the basis of suspicion whose person was searched which led the complainant to the recovery of a white colour plastic bag containing 40 grams of ice. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR but the offence for which the accused/petitioner is charged does not attract the prohibitory clause of

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

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section 497 Cr.P.C. Moreover, 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 the nature of substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

4. Hence, in view of what is discussed 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. Copy of this order be placed on police/judicial file. Consign.



**Pronounced:**  
13.10.2022

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