

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

Bail Application No. : 85/4 of 2022
Date of Institution : 11.10.2022
Date of Decision : 14.10.2022

MUHAMMAD KARIM VS THE STATE

ORDER

APP, ~~M. Z. Z. Z.~~ for State and Sana Ullah

Khan Advocate for accused/petitioner present.

Record received. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Karim s/o Munir Khan seeks his post-arrest bail in case FIR No. 20, dated 07.10.2022 registered u/s 9 (d) of the Khyber Pakhtunkhwa CNSA at Police Station Kurez Boya, wherein, as per contents of FIR, the local police having laid a picket were present on the spot where a passenger Pick-Up of grey colour was stopped wherefrom a person holding a yellow colour flour-bag in his hand was boarded which led the complainant to the recovery of 05 packets of chars, each weighing 1000 grams, making a total of 5000 grams. Hence, the present FIR.

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3. At the very outset, counsel for the accused/petitioner submitted copy of an unreported

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judgment of Honorable Peshawar High Court, Peshawar in Cr. Misc. (B.A) No. 876-P/2021 in case titled "Zaban Ali VS The State" where the local police of Police Station Kalaya had recovered 6000 grams of chars from the accused while he was travelling in a passenger Pick-Up having a white colour bag in his lap wherein the Honorable Peshawar High Court, Peshawar has allowed bail to the accused on the ground, that the registration number, colour of the vehicle, name of the driver or cleaner or any passenger has not been noted making a case of further inquiry against the accused.

4. In the instant case it is evident from the record that though the accused/petitioner is directly nominated in the FIR for the offence which falls within the ambit of further inquiry and huge quantity of chars have been shown recovered from possession of the accused/petitioner but despite the fact that the occurrence has allegedly taken place during a broad daylight on a public road and the accused/petitioner was allegedly travelling via passenger vehicle but not a single witness from the public has been associated with the process of search or recovery even the statement of a single

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passenger or that of the driver or cleaner has been recorded. Similarly, the registration number of the vehicle has also not been mentioned in the FIR. Furthermore, as per copy of *rahdari* available on file, though the representative samples for chemical analysis have been sent to FSL on 10.10.2022 but with a delay of about 03 days and so far the report of FSL has not been placed on file as to show that whether the recovered contrabands are actually chars or otherwise.

5. 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. 200,000/- with two sureties, each in the like amount to the satisfaction of this court/Judicial Magistrate. The sureties must be local, reliable and men of means.

6. Copy of this order be placed on judicial/police file. Consign.

Pronounced:
14.10.2022



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

