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

Bail Application No. : 86/4 of 2022  
Date of Institution : 12.10.2022  
Date of Decision : 18.10.2022

**ASHOOR KHAN VS THE STATE**

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ORDER

DPP, Umar Niaz for the State and Khursheed Alam Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, **Ashoor Khan** s/o Muhammad Din Shah, after being refused to be released on bail vide order dated 10.10.2022 of learned Judicial Magistrate-I, Kalaya, seeks his post-arrest bail in case FIR No. 90, dated 27.09.2022 registered u/s 11-A of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 and u/s 15 of the Khyber Pakhtunkhwa Arms Act at Police Station Kalaya, wherein, as per contents of FIR, at about 09:00 hours the complainant along with other police officials having laid a picket on the spot, stopped a person whose person was searched and an unlicensed 30-bore pistol along with a fixed charger and 07 live rounds were recovered from his trouser-fold.

Shaukat Ahmad Khan  
District & Sessions Judge  
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Similarly, the complainant also recovered a white colour plastic bag from his side pocket containing 25 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 section 497 Cr.P.C. Moreover, no private witness has been associated with the occurrence despite the place of occurrence being a public place and the occurrence having taken place during broad daylight. Furthermore, the accused neither confessed nor admitted his guilt during police custody. Above all, the investigation in the instant case is complete and the accused is no more required to the police for further investigation.

4. Hence, in view of what is discussed above, 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:**  
18.10.2022

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