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

Bail Application No. : 88/4 of 2022  
Date of Institution : 19.10.2022  
Date of Decision : 20.10.2022

MUHAMMAD IRAJ VS THE STATE

ORDER

DPP, Umar Niaz for the State and Tajamal

Hussain Advocate for accused/petitioner present.

Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Muhammad Iraj** s/o Qadir Khan, r/o Utman Khel, District Orakzai seeks his post-arrest bail in case FIR No. 104, dated 17.10.2022, registered u/s 9 (c) of the Khyber Pakhtunkhwa CNSA at Police Station Kalaya, wherein, as per contents of FIR, on 17.10.2022 at about 1500 hours, the local police having laid a picket on the spot, stopped a person on way towards the picket whose personal search led the complainant to the recovery of 01 packet of chars wrapped with yellow colour solution tape, weighing 700 grams from his trouser-fold. Hence, the present FIR.

Shaukat Ahmad Khan  
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3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and recovery of chars has been shown made from

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personal possession of the accused/petitioner but the offence for which the accused/petitioner is charged does not fall within the prohibitory clause of 497 CrPC. 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. Furthermore, the FSL report is not available on file 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.

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

**Pronounced:**  
20.10.2022



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

