

(6)

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

Bail Application No. : 98/4 of 2022  
Date of Institution : 08.11.2022  
Date of Decision : 10.11.2022


MASAIB KHAN VS THE STATE

---

ORDER


DPP, Umar Niaz for the State and Syed Muzahir Hussain Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Masaib Khan** s/o Suhbat Khan seeks his post-arrest bail in case FIR No. 21, dated 01.11.2022 registered u/s 9 (d) of the Khyber Pakhtunkhwa CNSA at Police Station Kurez, wherein, as per contents of FIR, the complainant along with other police officials having laid a picket on the spot, stopped a Flying-Coach bearing registration no. LES5 of blue colour for the purpose of checking wherefrom a person occupying a seat on a third row was deboarded but nothing incriminating was recovered from his personal search. The search of blue colour plastic bag holding by the accused/petitioner in his hand, led the complainant to the recovery of 05 packets

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
10/11/22

of chars each weighing 1000 grams, making a total of 5000 grams. Hence, the present FIR.

3. 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 passenger or that of the driver or cleaner has not been recorded. Similarly, though the deep appreciation of evidence at bail stage is not allowed but, in the site plan, the sketch is blank wherein nothing as detailed in the explanation portion, has been given any point, which cannot be ignored. Furthermore, as per copy of rahdari available on file, though the representative samples for chemical analysis have been sent to FSL on 03.11.2022 but with a delay of about 03 days and so far, the report of FSL has not been placed on

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Bahra Mela  
10/11/22

file as to show that whether the recovered contrabands were actually chars or otherwise.

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/Judicial Magistrate. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on police/judicial file.



**Pronounced:**  
10.11.2022

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