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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT  
ORAKZAI, AT BABAR MELA**

BA No. 122/4 of 2022

Nasir vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	16/12/2022	<p>Mr. Khalid Mehmood Advocate for petitioner and Mr. Zubair Assistant Public Prosecutor for State are in attendance. Arguments heard; whereas, this is the disposal of petition for grant of post arrest bail.</p> <p>2. This Post arrest bail application is presented by accused/petitioner Nasir s/o Wazir Ahmed r/o Muhalla Pir Abdullah Shah District Kohat.</p> <p>3. Mr. Shal Muhammad, SHO of Police Station Kalaya, Orakzai were on routine patrolling of the area. One person was moving towards the barricade on his Motorcycle Honda-70. On suspicion, he was stopped and searched. Upon his personal search 01 packet of chars measuring 1000 grams were found in his trouser fold. Criminal Law was brought into motion and resultantly, FIR bearing No. 116 dated: 19/11/2022 was registered against the accused by attracting Section 9-D of the Control of KP Narcotics Substances Act, 2019 in Police Station Kalaya of District Orakzai. The accused was arrested on spot who was later on remanded to Judicial Lockup. Consequently, application for release of accused on bail is presented which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Senior Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file as deep appreciation is neither required nor warranted at this stage of bail. The accused/petitioner was allegedly carrying chars in fold of trouser and was arrested on the spot; but, no private witness has been associated with the recovery proceedings. The quantity of 1000 grams of chars</p>

  
**SAYED FAZAL WADOOD**  
Additional District & Sessions Judge  
Orakzai at Hangu

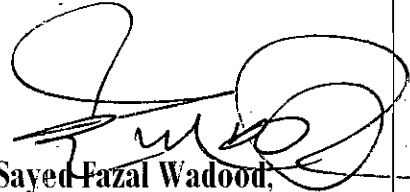
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was allegedly recovered from his direct and personal possession; yet, report of the Forensic Science Laboratory is still awaited and determination of the recovered material as chars is pre mature. More so, the prosecution is also not claiming that the accused was previously involved in the same nature of cases. The case of accused/petitioner is also not falling within the ambit of prohibitory Clause of Section-497 of the Criminal Procedure Code, 1898. All these facts renders the case of petitioner as one of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees 100,000/-; with two sureties, each in the like amount; to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.

  
Sayed Fazal Wadood,  
ASJ/JSC, Orakzai at Baber Mela