

(6)

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

Bail Application No. : 109/4 of 2022
Date of Institution : 14.12.2022
Date of Decision : 20.12.2022

IMTIAZ KHAN VS THE STATE

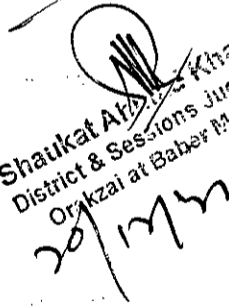
ORDER

DPP, Umar Niaz for State and Adnan Afridi

Advocate for accused/petitioner present.


Arguments heard and record gone through.

2. Accused/petitioner, **Imtiaz Khan** s/o Storzai seeks his post-arrest bail in case FIR no. 121, dated 11.12.2022, u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 of Police Station Kalaya, wherein, as per contents of FIR, on 11.12.2022 the complainant Shal Muhammad SHO along with other police officials during routine patrolling, laid a picket on the spot where at about 1600 hours a person holding a blue colour plastic bag in his right hand on way from headquarter side was stopped. Nothing incriminating has been recovered from personal search of the accused/petitioner. The search of the bag led the complainant to the recovery of 01 packet of chars, weighing 1500 grams. Hence, the present FIR.


Shaikat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
20/12/22

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the recovery of chars has been made from personal possession of the accused/petitioner, but 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. Moreover, the FSL report is not available on file to show that 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/Judicial Magistrate concerned. The sureties must be local, reliable and men of means.
5. Copy of this order be placed on police/judicial file. Consign.

Pronounced:
20.12.2022


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