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BA No. 20/4 of 2024
MAJEED KHAN VS STATE
FIR No. 94, Dated 28.09.2023, u/s 9 (d) CNSA and
324/353/148/149 PPC, Police Station Kalaya

IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 20/4 of 2024
Date of Institution : 16.04.2024
Date of Decision : 19.04.2024

MAJEED KHAN VS THE STATE

ORDER

DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for accused/petitioner present. Supplementary record received. Arguments heard and record gone through.

2. Accused/petitioner, **Majeed Khan** s/o Ashna Khan seeks his post-arrest bail in case FIR No. 94, dated 28.09.2023, u/s 9 (d) CNSA and 324/353/148/149 PPC of Police Station Kalaya, wherein as per contents of FIR, the complainant, Muhammad Younas SHO acting on information regarding presence of accused Hidayat Ullah, Abdullah, Majeed Khan (accused/petitioner), Sufian and Hazrat carrying plastic bags on their shoulders intending to smuggle them to Bara District Khyber, laid a picket on the spot where at about 1000 hours the above-mentioned persons duly armed carrying plastic bags on their shoulders, were tried to stop by the complainant but they threw the bags, ran away towards hilly area and opened firing on the police officials. In response, the complainant party also made firing at them, but the accused/petitioner along with co-accused made their escape good from the spot. The complainant recovered 20 packets of chars from the respective bags of each of the accused


Syed Obaidullah
District & Sessions Judge
Orakzai at Baber Mela
19/04/24

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including the present accused/petitioner. Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is no previous history of the accused/petitioner in such like cases.

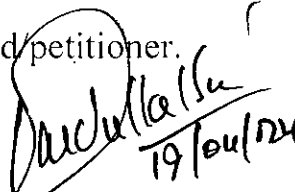
4. Learned DPP for the state put forward his arguments that huge quantity of chars has been recovered from his possessions and the offense carries capital punishment.

5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged, attracts the prohibitory clause of section 497 CrPC. Moreover, sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

6. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 19.04.2024


(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela

