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**IN THE COURT OF ABDUL BASIT  
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

**Petition No. 13/4 of 2024**

*"Hakeemullah... Versus ... The State"*

**Order---03**

06.03.2024

Mr. Sanaullah Khan Advocate for accused/petitioner and DyPP for State are in attendance.

Accused/petitioner Hakeemullah s/o Zameen Gul seeks his post arrest bail in case FIR no. 05 dated: 04.02.2024 under section 9D KP CNSA of Kurez Boya Police Station, Orakzai.

Concise facts of the case are that complainant and other police officials during routine patrolling confronted a person, who was standing near Tazi Khel Dagy Kalay turn; that the person was possessing a white color sack who tried to escape but was overpowered at some distance by the complainant; that upon checking of said sack, 32 packet of chars wrapped in yellow scotch tape were found in it; that each packet of chars weighed 1000 grams, making the total quantity of 32000 grams; that 10 grams chars from each packet of chars was separated and packed in parcel no. 1 to 32 for FSL and the balance chars weighing 15840 grams each was packed into parcel no. 33 to 34; hence, the accused was arrested and the FIR was registered.

Arguments heard and record gone through.

This is tentative assessment of record available on file as deep appreciation of case file is neither required nor warranted at this stage. The accused/petitioner was allegedly having chars in his possession who on seeing the police attempted to flee away but was arrested on the spot: although, accused/ petitioner is juvenile as per his card or arrest, however, it is observed that due to relaxation of bail provision to the juveniles, a general practice is prevailing in the society that the habitual criminals are involving the juveniles in the commission of serious offenses/crimes so that in case of their arrest, they may be released on bail by availing the benefit of juvenility. FSL report in respect of the contraband has also been received, which is positive. Since accused/petitioner is found smuggling the huge

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**Abdul Basit**  
Addl. District & Sessions Judge-II  
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quantity of chars, which carries maximum punishment and also falls within the ambit of restructure clause of section 497 Cr.PC. Arrest of accused on the spot and recovery of huge quantity of chars connects the accused with the commission of offence on its face and thus the Court is not inclined to extend him concession of bail, hence, the application is dismissed.

Requisitioned record be returned to the quarter concerned and file of this court be consigned to record room after necessary completion and compilation.

Announced  
06.03.2024

  
(Abdul Basit)  
Addl. Sessions Judge-II, Orakzai