

(B)

BA No. 12/4 of 2024
NAVEED ULLAH VS STATE
FIR No. 49, Dated 20.11.2023, u/s 9 (d) CNSA,
Police Station Kurez

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

Bail Application No. : 12/4 of 2024
Date of Institution : 01.03.2024
Date of Decision : 06.03.2024

NAVEED ULLAH VS THE STATE

ORDER

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

2. Accused/petitioner, **Naveed Ullah** s/o Azeem Khan seeks his post-arrest bail in case FIR No. 49, dated 20.11.2023, u/s 9 (d) CNSA of Police Station Kurez Boya, wherein as per contents of FIR, the complainant Muhammad Younas SHO along with other police officials during routine patrolling in official vehicle, laid a picket on the spot where at about 09:30 hours a motorcycle riding by a person on way form Chaman Jana towards the picket, was signaled to stop, who, on seeing the police party, tried to turn back but fell down and the local police overpowered him. Upon his personal body search, the local police recovered 06 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, total amounting to 5000 grams from a jacket worn by the accused/petitioner. Hence, the present FIR.

Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

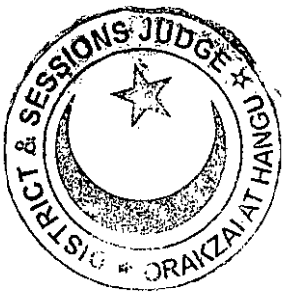
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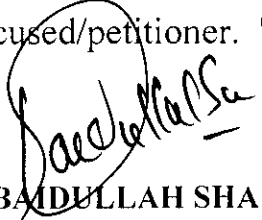
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culprit, that there is no previous history of the accused/petitioner in such like cases.

4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot and huge quantity of chars has been recovered from his possessions.
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 connects 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: 06.03.2024




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