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BA No. 14/4 of 2024
INHAR ALI ETC. VS STATE
FIR No. 02, Dated 28.01.2024, u/s 9 (d) CNSA/15AA/337-
G/34 PPC, Police Station Kurez

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

Bail Application No. : 14/4 of 2024
Date of Institution : 20.03.2024
Date of Decision : 21.03.2024

INHAR ALI ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State and Hamid Sarfaraz Advocate for accused/petitioners present. Arguments heard and record gone through.

2. Accused/petitioners, **Inhar Ali** s/o Asad Ali and **Tahir Ali** s/o Mureed Shah seek their post-arrest bail in case FIR No. 02, dated 28.01.2024, u/s 9 (d) CNSA, 15AA and 337-G/34 PPC 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 1600 hours a motorcycle riding by two persons on way from Zera towards the picket, on seeing the police party, turned back who were chased by us and they, after covering some distance fell down and the local police overpowered him. One of them disclosed his name as Inhar Ali who was having a white colour bag on his shoulder wherefrom 09 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 9000 grams were recovered. A 30-bore pistol along with a fixed and a spare charge containing 10 live rounds were also recovered from his personal body search for which he could not produce a valid permit or license. The other person who disclosed his name as Tahir Ali was having a white colour bag wherefrom the local police


21/3/2024
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

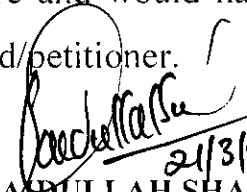
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recovered 08 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, total amounting to 8000 grams. Hence, the present FIR.

3. Learned counsel for the accused/petitioners argued that the accused/petitioners have falsely been implicated in the instant case to scot-free the actual culprit, that there is no previous history of the accused/petitioners in such like cases. Learned DPP for the state put forward his arguments that the accused/petitioners were arrested on the spot and huge quantity of chars has been recovered from their possession.
4. In the light of arguments advanced by the learned DPP and counsel for the accused/petitioner, record gone through which shows that the accused/petitioners are directly nominated in the FIR and the offence for which the accused/petitioners are charged, attracts the prohibitory clause of section 497 CrPC. Moreover, sufficient material is available on file which reasonably connects the accused/petitioners with the commission of offence. Hence, the accused/petitioners are not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.
5. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
6. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 21.03.2024


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

