

3

BA No. 17/4 of 2024  
JANAB GUL VS THE STATE  
FIR No. 16, Dated 20.03.2024, u/s 9 (d) CNSA, PS Kalaya  
IN THE COURT OF SYED OBAIDULLAH SHAH  
SESSIONS JUDGE/JUDGE SPECIAL COURT,  
ORAKZAI AT BABER MELA

Bail Application No. : 17/4 of 2024  
Date of Institution : 03.04.2024  
Date of Decision : 04.04.2024

JANAB GUL VS THE STATE

ORDER

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

2. Accused/petitioner, **Janab Gul** s/o Nazir Khan seeks his post-arrest bail in case FIR No. 16, dated 20.03.2024, u/s 9 (d) CNSA of Police Station Kalaya, wherein as per contents of FIR, the complainant along with other police officials acting on information regarding smuggling of narcotics from Kalaya to Kurez, laid a picket on the spot where at about 1445 hours a motorcycle riding by two persons heading from Kalaya was stopped for the purpose of checking. The pillion passenger – who later on disclosed his name as Janab Gul, the accused/petitioner – was having a blue colour bag in his lap which led the complainant to the recovery of 05 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 5000 grams. The driver of the motorcycle disclosed his name as Speen Gul. Hence, the present FIR.

3. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that the alleged occurrence has taken place on 20.03.2024 and the samples were sent to the FSL on 25.03.2024 with a delay of 05 days besides the FSL report is not available on file, that there is no previous history of the accused/petitioner in such like cases.

Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot and more than 01 kilogram of chars has been recovered from his possession.

  
4/4/24  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

4

BA No. 17/4 of 2024  
JANAB GUL VS THE STATE

FIR No. 16, Dated 20.03.2024, u/s 9 (d) CNSA, PS Kalaya

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.
8. Dated: 04.04.2024



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