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

Petition No. 20/4 of 2024

“Raees Khan... Versus ... The State”

Order---03
05.04.2024

Mr. Sana Ullah Khan, advocate, for accused/petitioner and Sr.PP for State are in attendance.

Accused/petitioner Raees Khan s/o Syed Jan seeks his post arrest bail in case FIR No. 04 dated: 01.04.2024 under section 9-D of KP CNSA 15AA/419/420 PPC of Daboori Police Station, Orakzai.

Concise facts of the case are that complainant and other police officials on receiving spy information regarding the smuggling of chars and ammunition laid a barricade at given place, where in the meanwhile, a Land Cruiser Jeep approached there and was stopped for the purpose of search; that the person sitting in the vehicle were armed with Kalashnikovs; that the person sitting on the front seat disclosed his name Raees Khan, and from his body search, the Police recovered a Kalashnikov folding butt bearing no. 006152 alongwith fixed charger containing 28 live rounds of 7.62 mm bore; that a person sitting on the rear seat disclosed his name Jan Haider, and from his body search, the police recovered a Kalashnikov without butt bearing no. 03409 alongwith fixed charger containing 29 live rounds of 7.62 mm bore; that similarly, the driver of Jeep disclosed his name Kiswar Khan, who was also bodily searched but nothing incriminating recovered from his possession; however, during the search of vehicle, police recovered one packet chars each from inside the four doors of the vehicle making total 04 packets, which were wrapped with yellow scotch tape; that similarly, 03 packets of chars were also recovered from beneath the tyre placed in trunk of the vehicle; that all the recovered 07 packets of chars were having weight of 1100 grams each making total of 7700 grams; that 10 grams of chars each was separated from each recovered

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packet which were packed in parcels no. 1 to 7 for FSL and the balance chars was packed in parcel no. 8, whereas, the ammunition were sealed into parcel no.9; that upon cursory interrogation, Kiswar Khan shown the chars to be his and Jan Haider joint ownership; that they further disclosed that the vehicle was not registered having no documents; therefore, affixed a forged number plate; that the spot proceedings were recorded through mobile phone, and saved in USB, which was sealed in parcel no. 10; that Raees Khan was charged for the offence under section 15AA, while, Kiswar Khan and Jan Haider were charged for the offences under sections 9D-CNSA, 15AA and 419/420 PPC; that all the accused were arrested on the spot and the FIR was registered.

*arms and
ammunition*

Arguments heard and record perused.

Perusal of the record reveals that accused/petitioner has only been nominated for carrying a prohibited bore weapon for which he failed to produce any valid license or permit, however, the offence for which the accused/petitioner is charged with, does not fall within the prohibitory clause of section 497 Cr.PC, wherein, grant of bail is a rule and refusal an exception. There is no apprehension of any tempering with the prosecution evidence, if the accused/petitioner is released on bail. As per available record, accused/petitioner is first offender and there is no history of his involvement in such like cases. Accused/petitioner has also not made any confession, whereas, he is also not required to local police for further investigation, to the police, which all above facts make the case of accused/petitioner one of further inquiry; therefore, keeping him behind the bar would serve no useful purpose.

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So, in the circumstances the bail application is accepted and accused/petitioner is admitted to bail provided he furnishes bail bonds in sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. My order is tentative in

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nature and shall have no bearings on merits of the case. Copy of this order be placed on judicial and police files for record.

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

Announced
05.04.2024



Abdul Basit
Addl. District Judge-II/JSC,
Orakzai