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BA No. 25/4 of 2024  
AMEEN KHAN VS THE STATE  
FIR No. 17, Dated 11.04.2024, u/s 11-A CNSA,  
PS Mishti Mela

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

Bail Application No. : 25/4 of 2024  
Date of Institution : 19.04.2024  
Date of Decision *Gul* : 22.04.2024

AMEEN KHAN VS THE STATE

ORDER

DPP, Umar Niaz for State and Khursheed

Alam Advocate for accused/petitioner present.

Record Received. Arguments heard and record gone through.

2. Accused/petitioner, Ameen *Gul* Khan s/o

Zameen *Gul* Khan after being refused to be released on

bail vide order dated 18.04.2024 of Judicial

Magistrate-I, Tehsil Court Kalaya, seeks his post-

arrest bail in case FIR No. 17, dated 11.04.2024, u/s

11-A CNSA of Police Station Mishti Mela, wherein

as per contents of FIR, the complainant, Muhammad

Younas SHO along with other police officials

having laid a picket were present on the spot where

at about 1540 hours a person heading from Mishti

Bazar towards the picket was stopped on the basis of

suspicion. His personal search led the complainant

to the recovery of a white colour plastic shopper

containing 50 grams of ice from right pocket of his

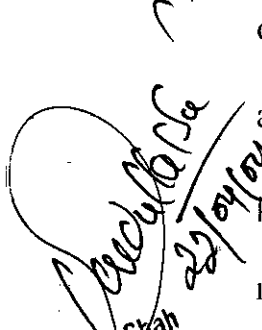
Kamees. Hence, the present FIR.

*Syed Obaidullah Shah*  
22/04/2024  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

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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 FSL report is not available on file, 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 recovery has been made from his personal possession.
5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though the accused/petitioner is directly nominated in the FIR and the recovery has been effected from personal possession of the accused/petitioner; however, the offence for which the accused/petitioner is charged, does not attract the prohibitory clause of section 497 CrPC. The occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Moreover, the FSL report is yet awaited to show the nature of the substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

  
22/04/2024  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Babel Mela

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6. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
7. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on police/judicial file.
8. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 22.04.2024



*(Handwritten signature and date)*  
22/04/2024

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