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BA No. 38/4 of 2024
WADA GUL VS THE STATE

FIR No. 30, Dated 18.05.2024, 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. : 38/4 of 2024
Date of Institution : 21.05.2024
Date of Decision : 23.05.2024

WADA 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, **Wada Gul** s/o Bilal Khan seeks his post-arrest bail in case FIR No. 30, dated 18.05.2024, u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 of Police Station Kurez, wherein, as per contents of FIR, the complainant along with other police official during routine patrolling were present on the spot where at about 1200 hours a person walking on foot from Anjani towards the spot was stopped on the basis on suspicion. The complainant recovered 02 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 2000 grams, from a green colour plastic shopper holding by the accused/petitioner in his right hand. 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 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 more than 01 kilogram of chars has been recovered from his possessions.


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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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 offence for which the accused/petitioner is charged, attracts the prohibitory clause of section 497 CrPC; however, 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 that whether the recovered substance was actually chars or otherwise. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation. As per available record, the accused/petitioner is not involved in such like cases.

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: 23.05.2024

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

