

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

Bail Application No. : 39/4 of 2024
Date of Institution : 24.06.2024
Date of Decision : 26.06.2024

AURANGZEB VS THE STATE


ORDER

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

2. Accused/petitioner, **Aurangzeb** s/o Roman Gul seeks his post-arrest bail in case FIR No. 40, dated 20.06.2024, u/s 9 (d) CNSA of Police Station Mishti Mela, wherein as per contents of FIR, the complainant accompanied by other police officials having laid a picket were present on the spot, where at about 1500 hours a motorcycle rider by a person on way from Mishti Mela side, was stopped for the purpose of checking. Upon checking of the rider, nothing incriminating was recovered from his personal possession but search of motorcycle, a blue color plastic sack was tied on fuel tank found by the local police. The search of said sack led the complainant to the recovery of 3000 grams of chars. 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 20.06.2024 but 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 the recovery has been made from possession of the accused/petitioner.


26/6/24
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

FIR No. 40, Dated 20.06.2024, u/s 9 (d) CNSA, PS Mishti Mela

5. In the light of arguments advanced by 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.

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 file police/judicial file.

8. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 26.06.2024



(Signature)
26/6/24
(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela