

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

Bail Application No. : 41/4 of 2024  
Date of Institution : 29.06.2024  
Date of Decision : 02.07.2024

PAYO KHAN VS THE STATE

---

ORDER

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

2. Accused/petitioner, **Payo Khan** s/o Yar Baz seeks his post-arrest bail in case FIR No. 38, dated 27.06.2024, u/s 9 (d) CNSA of Police Station Kurez Boya, wherein as per contents of FIR, the complainant accompanied by other police officials during routine patrolling, at about 1040 hours, searched a shop of the accused/petitioner and recovered a white colour plastic shopper containing 1050 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 occurrence has taken place on 27.06.2024 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 accused/petitioner has been charged for the commission of heinous offence.

In the light of arguments advanced by DPP and counsel for the accused/petitioner, record gone through which shows that though the

  
21/7/24  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

FIR No. 38, Dated 27.06.2024, u/s 9 (d) CNSA, PS Kurez  
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: 02.07.2024



*Obaidullah Shah*  
2/7/24  
(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special Court,  
Orakzai at Baber Mela