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IN THE COURT OF ABDUL BASIT

ADDITIONAL SESSIONS JUDGE-II, ORAKZAI

Petition No. 65/04 of 2024

"Ajmal Khan ... Versus ... The State"

Order---03

04.07.2024

Mr. Sanaullah Khan, advocate for the accused/petitioner and

Sr.PP for State are in attendance.

Ajmal Khan s/o Sherbaz, accused/petitioner, seeks his post arrest bail in case FIR no. 05 dated: 16.01.2023 under section 9-D of KP CNSA of Kalaya Police Station, Orakzai.

Arguments heard and record perused.

Concise facts of the case are that complainant got a spy information about smuggling of huge quantity of narcotics by Ajmal Khan son of Sherbaz from Anjani Bazar to Barra; that on this information, complainant along with other police official arranged a barricade on paved road Anjani to Barra, where Ajmal Khan riding on a motorcycle approached to the spot, who on seeing the police party turned motorcycle with strategy and attempted to flee; that he was chased in motorcar and after covering some distance, a brown color bag dropped from his motorcycle while he made his escape good; that the police searched the bag and recovered 06 packets of chars wrapped with yellow scotch tape from it; that each recovered packet weighed 1000 grams of charas making total quantity of 6000 grams; that 10 grams charas was separated from each packet and packed in parcels no. 1-6 for FSL, while, balance charas 990 grams from each packet was packed in parcels no. 7-12 and bag weighing 655 grams was packed in parcel no. 13, hence, the case was registered and accused named in the case was later on arrested.

*ajmal*  
*04/07/2024*  
**Abdul Basit**  
Addl. District & Sessions Judge-II  
Orakzai-01, Baber Mela,  
Hangu

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Perusal of record reveals that though the local-police has recovered huge amount of charas from the spot, however, it was not recovered from immediate possession of accused/petitioner. There has no incriminating material been recovered from possession of accused/petitioner. As per available record, accused/petitioner has not made confession in the case nor does he has any criminal track record of involvement in such like cases. Neither police has noted the registration number of motorcycle nor has alleged motorcycle been recovered from possession of accused/petitioner. The police has not conducted the identification parade of the accused/petitioner nor there is anything on record that as to how the police has come to know that the person appeared on motorcycle was the accused/petitioner, which fact coupled with above discussed facts make it a case of further inquiry; therefore, keeping him behind the bar would serve no useful purpose.

So, in the circumstances the bail application is accepted and accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs. 200,000/- 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 nature and shall have no bearings on merits of the case. Copy of this order be placed on judicial and police files.

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

**Announced**  
04.07.2024

  
(Abdul Basit)  
Addl. Sessions Judge-II/JSC,  
Orakzai