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IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI

Petition No. 71/4 of 2024

"Raza Badshah... Versus ... The State"

Order---4
19.07.2024

Mr. Sanaullah Khan, advocate, for accused/petitioner and DPP for State are in attendance.

Accused/petitioner Raza Badshah s/o Sakhi Badshah seeks his post arrest bail in case FIR no. 43 dated: 29.06.2024 under sections 11-B CNSA and 5-Explosive Substance Act of Mishti Mela Police Station, Orakzai.

Concise facts of the case are that there were public complaints that renowned drug dealers Raza Badshah and Ahmed Hussain were running the Ice business from their residence; that they were kept under surveillance and received spy information that they were present at the given place for the purpose of sale of Ice; that complainant along with Fazal Hameed no. 1247, Saleem Khan no. 1242, Murad Gul no. 1264 along with other police officials raided the given place and found two persons in the room, who were overpowered and they have disclosed their names as Raza Badshah and Ahmed Hussain; that they were searched and complainant recovered a blue colored plastic sack from right hand of Raza Badshah and on his further search recovered one hand grenade each bearing no. POF71 and POF197 from both side pockets of his shirt; that BDU staff was called for defusing the hand grenades; that checking of plastic sack led the police to the recovery of Ice weighing 600 grams through digital scale, out of which 01 gram Ice was separated and packed in parcel no. 01 for FSL and the balance Ice 599 grams along with plastic sack was packed and sealed in parcel no. 02; that likewise, complainant also recovered plastic sack of white color from right hand of Ahmed Hussain and his further search led the police to recovery of one hand grenade each bearing no. 4093PFM-2 and 38124 from both side pockets of his shirt; that checking of plastic sack led them to the recovery of Ice weighing 200 grams

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through digital scale, out of which 01 gram was separated and packed in parcel no. 03 for FSL and the balance Ice 199 grams along with plastic sack was packed and sealed in parcel no. 04; that BDU staff on their arrival defused all the recovered hand grenades on the spot; that recovered 02 hand-grenades from Raza Badshah were packed and sealed into parcel no. 05 while other 02 hand-grenades belonging to Ahmed Hassan were packed and sealed into parcel no. 06; that videography of the spot proceedings was made in mobile phone, which was saved in USB, which was packed and sealed in parcel no. 07; that accused were arrested on the spot, hence, the FIR.

Arguments heard and record gone through.

This is tentative assessment of record available on file as deep appreciation of case file is neither required nor warranted at this stage. Record provides that the local police has recovered the 600 grams Ice and two hand-grenades from personal possession of present accused/petitioner. The parcels separated for the purpose of examination through channel of Forensic Science Laboratory have promptly been sent. The investigation in the case is incomplete. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section 497 of the Criminal Procedure Code, 1898. The accused/petitioner has criminal history. The arrest of accused/petitioner on the spot and recovery of dangerous articles from direct possession of accused/petitioner connects him with the commission of heinous offence; therefore, the Court is not inclined to extend him concession of bail, hence, application is **dismissed**. Copies of this order are placed on police & judicial files.

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



Announced
19.07.2024

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