

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

**Petition No. 73/4 of 2024**

*"Zulfiqar... Versus ... The State"*

**Order---03**  
19.07.2024

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

Accused/petitioner Zulfiqar s/o Muhammad Shoaib seeks his post arrest bail in case FIR no. 41 dated: 11.07.2024 under section 9D KP CNSA of Kurez Boya Police Station, Orakzai.

Concise facts of the case are that, complainant along with other police officials were available on barricade and were busy in the checking, when in the meanwhile, two persons in suspicious condition hailed from Chaman Jana side who were stopped for search; that upon interrogation, they disclosed them as father and son; that a person named Zulfiqar had a white color sack in his right hand, which was checked and 04 packets of chars wrapped with the yellow scotch tape recovered, each packet weighed 1000 grams making total 4000 grams while empty sack weighed 55 grams; that 10 grams of charas was separated for FSL from each packet and packed in parcels no. 1 to 4 and the balance 3960 grams charas along with sack was packed in parcel no. 5; that second person disclosed his name as Adil son of Zulfiqar, whose search led the police to the recovery of a .30 bore pistol no. 4248 along with fixed charger containing 05 live rounds of .30 bore from his trouser fold, who could not produce any permit or license on the spot; that recovered ammunition was packed and sealed into parcel no. 6; that videography was made through mobile phone and saved into USB, which was packed and sealed into parcel no. 7; that both the accused were arrested on the spot and the FIR was registered.

*ayy  
19/07/2024*

**Abdul Basit**  
Addl: District & Sessions Judge-II  
Orakzai at Baber Mela,  
Hangu

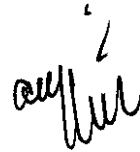
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19.07.2024

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 four kilogram chars from direct possession of 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 also falls within the prohibitory clause of Section 497 of the Criminal Procedure Code, 1898. The arrest of accused/petitioner on the spot and recovery of dangerous article from the direct possession of accused/petitioner connects him with 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