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

Bail Application No. : 50/4 of 2024
Date of Institution : 24.07.2024
Date of Decision : 26.07.2024


NOOR UL HAQ. VS THE STATE

ORDER

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

2. Accused/petitioner, **Noor Ul Haq** s/o Noorab Khan seeks his post-arrest bail in case FIR No. 112, dated 15.12.2023, u/s 9 (d) CNSA, of Police Station Kalaya, wherein as per contents of FIR, the complainant Inwar Khan SI along with other police officials during routine patrolling in official vehicle, laid a picket on the spot where at about 1100 hours a motorcycle Honda-125 riding by two persons having white color plastic sack in the lap of person who occupying the pillion seat of the motorcycle, on way from Chaman Jana side towards the picket, on seeing the police party, turned back and they after covering some distance fell down, abandoned the motorcycle along with above-mentioned sack and made their escape good from the spot. Upon search of the said sack led the complainant to the recovery of 49 packets of chars each weighing 1000 grams while making a total of 49000 grams of chars. Hence the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been enrobed in the instant case to scot-free the actual culprit and the accused/petitioner has not been involved previously in such like cases. Learned DPP


Syed Obaidullah Shah
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for the state put forward his arguments that the accused/petitioner has been charged for heinous offence and huge quantity of chars has been made.

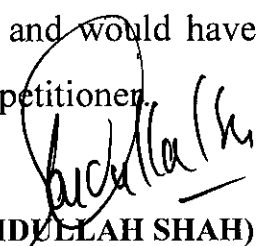
4. In the light of arguments advanced by the learned DPP and counsel for the accused/petitioner, record gone through which shows that the accused/petitioner is directly nominated in the FIR, huge quantity of chars has been recovered and the offence for which the accused/petitioner is charged, attracts the prohibitory clause of section 497 CrPC. Moreover, sufficient material is available on file which reasonably connects the accused/petitioner with the commission of offence. Furthermore, it is worth mentioning that the accused/petitioner has remained fugitive from law for more than 05 months. Therefore, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

5. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

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

Dated: 26.07.2024




(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela