

(3)

BA No: 53/4 of 2024
TASWEE ALI VS THE STATE
FIR No. 45, Dated 01.08.2024, u/s 9 (d) CNSA,
Police Station Kurez Boya

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

Bail Application No. : 53/4 of 2024
Date of Institution : 05.08.2024
Date of Decision : 07.08.2024

TASWEER ALI VS THE STATE

ORDER

Sr. PP, Javid Akhtar for the State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Tasweer Ali** s/o Feroz Ali seeks his post-arrest bail in case FIR No. 45, dated 01.08.2024, u/s 9 (d) CNSA of Police Station Kurez Boya, wherein as per contents of FIR, the complainant Aftab Hassan SHO along with other police officials during routine patrolling in official vehicle, having laid a picket were present on the spot, where at about 2030 hours, a motorcycle boarded by two persons on way from Zeera side, was stopped by the local police on the basis of suspicion. The rider of the motorcycle disclosed his name as Tasweer Ali (accused/petitioner) but nothing incriminating was recovered from his possession. The pillion passenger disclosed his name as Surat Ali and a blue colour shawl holding by the person was recovered from his possession wherefrom 04 packets of chars wrapped with yellow colour scotch tape, each weighing 1000 grams, making a total of 4000 grams were recovered. Hence, the present FIR.

Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is no


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previous history of the accused/petitioner in such like cases and that the FSL report is not available on file.

4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot and huge quantity of chars has been recovered from his possession.

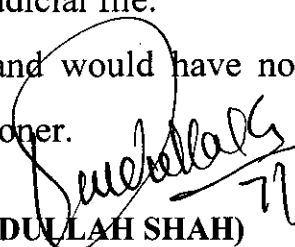
5. In the light of arguments advanced by the Sr. PP and counsel for the accused/petitioner, record gone through which shows that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged, attracts the prohibitory clause of section 497 CrPC; however, the recovery has not been effected from direct possession of the accused/petitioner. The FSL report is yet awaited to show the nature of the substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.

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 police/judicial file.

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

Dated: 07.08.2024


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

