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BA No. 54/4 of 2024
KHYBER VS STATE
FIR No. 39, Dated 10.10.2023, u/s 9(d)
CNSA/353/324/186/34/PPC
Police Station Kurez

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

Bail Application No. : 54/4 of 2024
Date of Institution : 06.08.2024
Date of Decision : 08.08.2024

KHYBER VS THE STATE

ORDER

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

2. Accused/petitioner, **Khyber** s/o Memla Jan seeks his post-arrest bail in case FIR No. 39, dated 10.10.2023, u/s 9 (d) CNSA/353/324/186/34 PPC of Police Station Kurez, wherein as per contents of FIR, the complainant along with other police officials having routine patrolling, received information regarding presence of accused Khyber, Younas and Hameed duly armed carrying plastic bags on their shoulders intending to smuggle them to District Khyber. Acting upon this information, the local police reached the spot and found the above-named persons duly armed having plastic bags on their shoulders, who were tried to stop by the local police but they threw the bags and opened firing on the police officials. In response, the police party also made firing at them, as a result of which, the present accused/petitioner received injuries and with help of co-accused they made their escape good from the spot. Upon search of the above-mentioned bags the local police recovered 35 packets of chars, each weighing 1000 grams, making a total of 35000


8/8/2024
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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grams of chars from possession of present accused/petitioner. Hence, the present FIR.

3. 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.

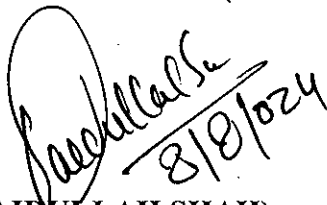
4. Learned DPP for the state put forward his arguments that the accused/petitioner is charge for heinous offence and huge quantity of chars has been recovered from his possession.

5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that 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. Moreover, the accused/petitioner has remained fugitive of law for almost 02 years. Furthermore, sufficient material is available on files which reasonably connect the accused/petitioner with the commission of offence. Hence, 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.

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

Dated: 08.08.2024




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