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

Petition No. 74/04 of 2024

"Muhammad Hussain ... versus ... The State"

Order---02

21.08.2024

Mr. Sanaullah Khan Advocate for accused/petitioner and DyPP for State are in attendance. Record received.

Accused/petitioner Muhammad Hussain s/o Raees Khan seeks his post arrest bail in case FIR no. 32 dated: 29.05.2024 under section 9-D of KP CNSA of Mishti Mela Police Station, Orakzai.

Concise facts of the case are that complainant got spy information about smuggling of charas by Muhammad Hussain on motorcycle from district Khyber through Dara Hassan Zai; that on this information, complainant along with police officials arranged a barricade on the spot, where Muhammad Hussain riding on motorcycle approached from Dara Hassan Zai side, who had fastened a yellow color sack on back seat of the motorcycle; that police signaled him to stop but he instead accelerated the speed of motorcycle and broke the barricade; that he was chased in official vehicle and after covering some distance, he left his motorcycle, escaped towards hilly area and disappeared in the forest; that the motorcycle was searched and a bag was recovered, which led the police to the recovery of 10000 grams of charas garda; that 10 grams of chars was separated for FSL and packed in parcels no. 1 and the balance chars 9990 grams along with sack was packed into parcel no. 2; that videography of the recovery proceedings made through

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cell phone was saved in USB, which was sealed in parcel no. 3; that Honda 125 motorcycle bearing no. KPK/4351 was taken into possession and case was registered, hence, the FIR.

Arguments heard and record perused.

As per tentative assessment of the case the complainant has received spy information, who has disclosed him about the smuggling of contraband by accused/petitioner on motorcycle. The complainant on approaching the accused/petitioner on said motorcycle was signaled to stop but he accelerated the speed, which shows his involvement about the commission of offence. Accused/petitioner is directly charged in the case. A huge quantity of charas has been recovered from the motorcycle left by accused/petitioner. FSL report is positive. He has remained fugitive from law for considerable time. The offence is heinous in nature that carries maximum punishment and attracts the restrictive clause of section 497 CrPC. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of offence; therefore, request for grant of bail is refused and petition dismissed.

My order is tentative in nature and will have no bearings on merits of the case. Copies of this order are placed on the judicial and police files for record. Requisitioned record is returned to quarter concerned and file of this court consigned to record room after necessary completion and compilation.

Announced
21.08.2024


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