

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

Bail Application No. : 56/4 of 2024

Date of Institution : 05.09.2024

Date of Decision : 12.09.2024

MUHAMMAD HAMZA VS THE STATE

---

ORDER

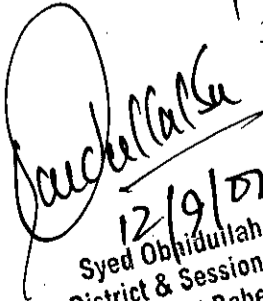
DPP, Umar Niaz for the State and Sana Ullah

Khan Advocate for accused/petitioner present.

Arguments heard and record gone through.

2. Accused/petitioner, **Muhammad Hamza** s/o Guliyas Khan seeks his post-arrest bail in case FIR No. 42, dated 25.06.2024, u/s 9 (d) CNSA of Police Station Mishti Mela, wherein as per contents of FIR, the complainant along with other police officials, duly armed in official vehicle having laid a picket were present on the spot, where at about 1500 hours a motorcycle riding by two persons, was stopped for the purpose of checking. Upon their personal search, the complainant recovered a blue color plastic shopper containing 4000 grams of chars from the lap of the rider of the motorcycle while a sack containing 5000 grams of chars was recovered from present accused/petitioner occupying the pillion seat of the motorcycle. Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been

  
12/9/24  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

implicated in the instant case to scot-free the actual culprit.

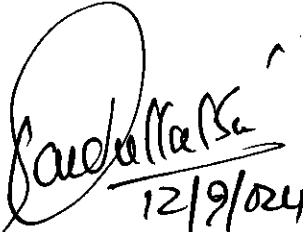
4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence and huge quantity of chars has been recovered from his possession.

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, sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence. The points raised by learned counsel for the defense need deep appreciation and probe of evidence which cannot be considered at bail stage. 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: 12.09.2024



  
12/9/24  
(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special Court,  
Orakzai at Baber Mela