

3

BA No. 60/4 of 2024
FAZAL AMEEN VS THE STATE
FIR No. 50, Dated 05.09.2024, u/s 9 (d) CNSA, PS Kurez
IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA


Bail Application No. : 60/4 of 2024
Date of Institution : 11.09.2024
Date of Decision : 13.09.2024

FAZAL AMEEN VS THE STATE

ORDER

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

2. Accused/petitioner, **Fazal Ameen** s/o Syed Ameen seeks his post-arrest bail in case FIR No. 50, dated 05.09.2024, u/s 9 (d) CNSA of Police Station Kurez Boya, wherein as per contents of FIR, the complainant along with other police officials acting on information through informer, regarding smuggling of huge quantity of narcotics from District Orakzai via motorcar, laid a picket were present on the spot, where at about 0630 hours a motorcar boarding by two persons on way towards the picket, was stopped, both the persons were deboarded by the local police from motorcar for the purpose of checking. A person who was seated on the front seat disclosed his name as Fazal Ameen while the driver of the motorcar disclosed his name as Muhammad Khan, upon their personal search, nothing incriminating were recovered from them while search of the motorcar, led the complainant to the recovery of 05 packets of chars, each weighing 1000 grams, making a total of 5000 grams of chars from a secret cavity which was made in the


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

4

BA No. 60/4 of 2024

FAZAL AMEEN VS THE STATE

FIR No. 50, Dated 05.09.2024, u/s 9 (d) CNSA, PS Kurez switchboard of the said motorcar. Hence, the present FIR.

3. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit and there is no previous history of the accused/petitioner in such like cases.
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.
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. 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.
7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.
8. Dated: 13.09.2024



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