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

Petition No. 91/04 of 2024

"Muhammad Khan ... Versus ... The State"

Order---03

16.09.2024

Mr. Khan Ameer Bugti Advocate for accused/petitioner and DPP for State are in attendance. Record received.

Muhammad Khan son of Gul Muhammad, the accused/petitioner, seeks his post arrest bail in case FIR no. 50 dated: 05.09.2024 under section 9-D of KP CNSA of Kurez Boya Police Station, Orakzai.

Concise facts of the case are that complainant received spy information regarding the smuggling of chars from Anjani to Barha through a black color motorcar registration no. APU-582/Sindh; that during barricade, complainant along with other police officials were busy in checking when in the meanwhile above detailed motorcar boarded by two persons approached and stopped by the police for checking; that person occupying front seat was deboarded, who disclosed his name Fazal Amin, who was searched but no incriminating material recovered from his personal possession; that the driver of motorcar was also deboarded who disclosed his name Muhammad Khan, who was personally searched but nothing incriminating recovered from his possession as well; that on pointation of spy, they found a secret cavity made inside the switchboard of the motorcar, which led complainant to the recovery of 05 packets of chars wrapped in yellow scotch tape; that each packet was weighed through digital scale which came out to be 1000 grams, making total quantity of 5000 grams of chars; that 10 grams of chars from each packet was separated for FSL and packed in parcels no. 1 to 5 and the balance chars 4950 grams was packed into parcel no. 6; that videography of the recovery proceedings made through cell phone was saved in USB, which was sealed in parcel no. 7; that the motorcar bearing no. APU-582/Sindh, engine no. X657542 and chassis no. NZE-120-6079176 was also took into possession; that both the accused claimed the chars as their ownership, hence, FIR.

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16/09/2024
Abdul Basit
Addl. District & Sessions Judge-II
Orakzai at Baber Mela,
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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 through motorcar. Accused/petitioner is directly charged in the case. A huge quantity of charas has been recovered from the motorcar of accused/petitioner. The offence is heinous in nature that carries maximum punishment and attracts the restrictive clause of section 497 CrPC. The parcels separated for the purpose of examination through channel of Forensic Science Laboratory have promptly been sent. The recovery of huge quantity of the chars apparently rules out the chance of false implication. 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
16.09.2024


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