

(B)

BA No. 70/4 of 2023  
MUHAMMAD SHAKEEL VS STATE  
FIR No. 98, Dated 18.09.2024, u/s 9 (d) CNSA, PS Kalaya  
IN THE COURT OF SYED OBAIDULLAH SHAH  
SESSIONS JUDGE/JUDGE SPECIAL COURT,  
ORAKZAI AT BABER MELA

Bail Application No. : 70/4 of 2024  
Date of Institution : 20.09.2024  
Date of Decision : 25.09.2023

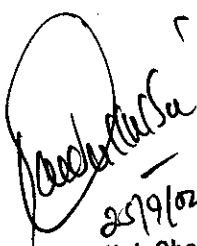
MUHAMMAD SHAKEEL VS THE STATE

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ORDER

DPP, Umar Niaz for State and Abid Ali Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, **Muhammad Shakeel** s/o Wakeel Khan seeks his post-arrest bail in case FIR No. 98, dated 18.09.2024, u/s 9 (d) CNSA of Police Station Kalaya, wherein as per contents of FIR, that the local police during routine patrolling were present on the spot where at about 1400 hours a person walking on foot having a white colour plastic shopper in his right hand, was stopped on the basis of suspicion. Upon checking of the said shopper, the local police recovered 2000 grams of chars. 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, that the alleged occurrence has taken place on 18.09.2024 but the FSL report is not available on file, that 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 and more than 01 kilogram of chars has been recovered from his possessions.

  
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5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though 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; however, the occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Furthermore, the FSL report is yet awaited to show nature of the substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.

6. Hence, in view of what has been discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

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

Dated: 25.09.2023



*Syed Obaidullah Shah*  
25/9/2024  
(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special Court,  
Orakzai at Baber Mela