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

**Petition No. 94/4 of 2024**

*"Aslamullah... Versus ... The State"*

**Order---4**

25.09.2024

Mr. Sanaullah Khan, advocate, for accused/petitioner and DyPP for State are in attendance.

Accused/petitioner Aslamullah s/o Dilawar Khan seeks his post arrest bail in case FIR no. 23 dated: 17.09.2024 under section 9D KP CNSA of Ghiljo Police Station, Orakzai.

Concise facts of the case are that, complainant along with other police officials had arranged a barricade at given place, where they confronted a person in suspicious condition approaching from Ghiljo side having green color sack in his left hand; that the person was stopped and the sack was searched, which led the recovery of 02 packets of chars wrapped in yellow tape; that each recovered packet weighed 1200 grams making total quantity of 2400 grams; that 10 grams of chars was separated from each packet and packed in parcels no. 1-2 for FSL and the balance charas along with sack was packed in parcel no. 2; that videography of the spot proceedings made in mobile phone was saved in USB and was packed and sealed in to parcel no. 04; that the person disclosed his name as Aslamullah who was arrested on the spot and the FIR was registered.

Arguments heard and record gone through.

Perusal of the record reveals that though, there is no mandatory provision in such like cases to associate private witnesses, however, their association is also not expressly barred in cases, where there is availability of the public on the spot. In the instant case, record shows that the recovery has allegedly been made from the accused/petitioner from public place; therefore, the local police was supposed to associate private witnesses but they did not. FSL report is not received so far as to determine that whether the recovered contraband is chars or something else. As per site plan, the local police had allegedly

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**Abdul Basit**  
Addl: District & Sessions Judge-II  
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arranged a barricade on straight road, which is apparently visible to the accused from considerable distance but this is strange that accused/petitioner despite having huge quantity of charas moved towards them, which need to be sought out after recording of evidence. As per available record, accused/petitioner has no history of involvement in such like cases. All of above facts make the case of accused/petitioner one of further inquiry; therefore, keeping him behind the bar would serve no useful purpose.

So, in the circumstances the bail application is accepted and accused/petitioner is admitted to bail provided he furnishes bail bonds in sum of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. My order is tentative in nature and shall have no bearings on merits of the case. Copy of this order be placed on judicial and police files.

Requisitioned record be returned to the quarter concerned and file of this court be consigned to record room after necessary completion and compilation.

Announced  
25.09.2024

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