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

**Petition No. 98/4 of 2024**

*“Naeem Jan... Versus ... The State”*

**Order---3**

27.09.2024

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

Accused/petitioner Naeem Khan s/o Yar Jan seeks his post arrest bail in case FIR no. 55 dated: 22.09.2024 under sections 9D-CNSA of Kurez Boya Police Station, Orakzai.

Concise facts of the case are that complainant along with other police officials had arranged barricade at place of occurrence, where they found a pedestrian carrying plastic bag in his left hand in suspicious condition heading from Feroz Khel towards them; that the person was stopped and the plastic bag was searched, which led the recovery of 02 packets of charas wrapped with yellow scotch tape; that each recovered packet weighed 1000 grams making total quantity of 2000 grams; that 10 grams of charas was separated from each packet and packed in parcels no. 1 to 2 for FSL and the balance charas 1980 grams was amalgamated and packed along with plastic bag blue color in parcel no. 03; that videography made by driver Irfanullah was saved in USB, which was packed in parcel no. 4; that the accused was arrested, hence, the FIR.

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 charas or something else. As per site plan, the local police had allegedly

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27/09/2024*

**Abdul Basit**  
Addl. District & Sessions Judge-II  
Orakzai at Baber Mela,  
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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 and makes the case of further inquiry. 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. 100,000/- 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**  
27.09.2024

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