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BA No. 72/4 of 2024
RIAZ UR REHMAN VS THE STATE
FIR No. 54, Dated 22.09.2024, u/s 9 (d) CNSA,
Police Station Kurez

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 72/4 of 2024
Date of Institution : 25.09.2024
Date of Decision : 02.10.2024


RIAZ UR REHMAN VS THE STATE

ORDER

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

2. Accused/petitioner, **Riaz Ur Rehman** s/o Niaz Muhammad Khan seeks his post-arrest bail in case FIR No. 54, dated 22.09.2024, u/s 9 (d) CNSA of Police Station Kurez, wherein as per contents of FIR, the complainant Sardar Khan ASHO along with other police officials having laid a picket, were present on the spot, where at about 0930 hours, a person holding a plastic shopper in his right on way from Anjani side, was stopped by the local police on the basis of suspicion. The search of the shopper led the complainant to the recovery of 05 packets of chars wrapped with yellow colour scotch tape, each weighing 1200 grams, making a total of 6000 grams of chars. Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is no previous history of the accused/petitioner in such like cases and that the FSL report is not available on file.


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot and huge quantity of chars has been recovered from his possession.
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 connects the accused/petitioner with the commission of offence. Though the FSL report is not available on file but the samples have been transmitted to the FSL within the prescribed period and the case is in its initial stage, therefore, the same is yet awaited. 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.

Dated: 02.10.2024



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