

(4)

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

Petition No. 103/4 of 2024

"Attaullah... Versus ... The State"

**Order---04
07.10.2024**

Counsel for accused/petitioner and Dy.PP for the State are in attendance.

Accused/petitioner Attaullah s/o Najal Khan seeks his post arrest bail in case FIR no. 101 dated: 30.09.2024 under section 11-B CNSA of Kalaya Police Station, Orakzai.

Concise facts of the case are that local police received information that the proclaimed offender namely Attaullah son of Najal Khan in case FIR No. 99 dated 08.10.2022 u/s 11-A CNSA registered at Kalaya Police Station, Orakzai and in case FIR No. 42 dated 30.04.2022 of Kalaya Police Station Orakzai was present in the *bethak* of his house and was waiting for costumers to sale Ice; that complainant along with other police officials raided the *bethak* of accused, where found accused and a person named Shah Muhammad present there, who were overpowered by them; that no incriminating was recovered during persona search of accused Attaullah; however, plastic bag containing 100 grams Ice recovered from left side pocket of Shah Muhammad during his body search; that 01 grams Ice out of total was separated for FSL and sealed into parcel no. 1 while remaining 99 grams were sealed into parcel no. 2; that *bethak* of accused Attaullah was searched and police recovered 600 grams Ice covered in while color plastic sack kept beneath the pillow; that 01 grams Ice was separated for FSL and sealed in parcel no. 3 while remaining 599 grams Ice was sealed in parcel no. 4; that videography made by driver Inshad Ali was saved in USB, which was packed in parcel no. 5; that during cursory interrogation, accused Shah Muhammad disclosed that he had purchased 100 grams Ice from Attaullah, who also admitted the ownership of 600 grams Ice recovered from beneath the pillow; therefore, both of them were arrested on the spot, hence, the FIR.

awf
07/10/2024
Abdul Basit
Addl. Distric. & Sessions Judge-II
Orakzai, District Mulla,
Muzaffargarh

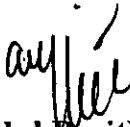
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07.10.2024

Arguments heard and record gone through.

This is tentative assessment of record available on file as deep appreciation of case file is neither required nor warranted at this stage. Record provides that the local police has recovered 600 grams Ice drug from the *bethak* of accused/petitioner. The co-accused alleged the purchase of 100 grams Ice from accused/petitioner, which on the fact of record reflects that accused/petitioner had sold out the Ice to co-accused and thus connects him with the commission of heinous offence. That test samples have been separated and sent for chemical analysis well in statutory period. The recovery of dangerous drug apparently rules out the chance of false implication. The appellant/defendant has criminal history. The case of accused/petitioner is also falling within the ambit of prohibitory Clause of Section 497 of the Criminal Procedure Code, 1898; therefore, the Court is not inclined to extend him concession of bail, hence, the application is **dismissed**. Copy of this order be placed on police and judicial 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
07.10.2024


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