

4

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

Petition No. 100/04 of 2024

"Lal Mir Khan ... Versus ... The State"

Order---05  
07.10.2024

Mr. Sanaullah Advocate for the accused/petitioner and DyPP for State are in attendance. Record received.

Accused/petitioner Lal Mir Khan son of Payo Jan seeks his post arrest bail in case FIR no. 43 dated: 26.07.2024 under section 9-D of KP CNSA of Kurez Boya Police Station, Orakzai.

Concise facts of the case are that complainant along with police party had arranged a barricade at given place and were busy in checking, when, in the meanwhile, a white color XLI motorcar boarded by two persons approached from Anjani side, which was stopped by them for checking; that the person occupying front seat had a white color plastic sack between his legs, who was deboarded along with sack; that he was searched but no incriminating material recovered from his possession while search of the sack led the complainant to the recovery of 20 packets of chars wrapped in yellow scotch tape; that each packet was weighed through digital scale which came out to be 1000 grams making total quantity of 20000 grams of charas; that 10 grams of chars from each packet was separated for FSL and packed in parcels no. 1 to 20 and the balance chars 19800 grams along with empty sack weighing 50 grams was packed in parcel no. 21; that videography of the recovery proceedings made through cell phone was saved in USB, which was sealed in parcel no. 22; that the person disclosed his name as Lal Mir Khan, who admitted the recovered charas as his ownership; that driver of motorcar disclosed his name as Hawaldar Khan, who upon cursory interrogation disclosed that he was a taxi driver and Lal Mir Khan was going to Bara, who was boarded in his taxi; that police left the driver along with his motorcar and arrested Lal Mir Khan on the spot, hence, the case.

ay  
11/10/2024  
Abdul Basit  
Addl. District & Sessions Judge-II  
Orakzai or Baber Mela,  
Hangu

● Contd. 05

07.10.2024

B

Arguments heard and record perused.

As per tentative assessment of the case the accused/petitioner is directly charged in the case. A huge quantity of charas has been recovered from the accused/petitioner. The offence is heinous in nature that carries maximum punishment and attracts the restrictive clause of section 497 CrPC. The parcels separated for purpose of examination through channel of Forensic Science Laboratory were promptly sent and the report of which is received with opinion that all the samples were charas. The recovery of huge quantity of chars apparently rules out chances of false accusation. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of offence; hence, the request for grant of bail is refused and petition **dismissed**.

My order is tentative in nature and will have no bearings on merits of the case. Copies of this order are placed on the judicial and police files for record. Requisitioned record is returned to quarter concerned and file of this court consigned to record room after necessary completion and compilation.

Announced

07.10.2024

  
(Abdul Basit)

Addl. Sessions Judge-II/JSC,  
Orakzai