

(4)

BA No. 84/4 of 2024
KHIAL AMEEN VS THE STATE
FIR No. 102, Dated 10.10.2024, u/s 9 (d) CNSA,
Police Station Kalaya

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

Bail Application No. : 84/4 of 2024
Date of Institution : 17.10.2024
Date of Decision : 30.10.2024

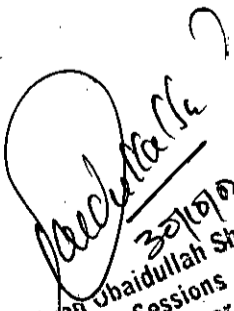
KHIAL AMEEN VS THE STATE

ORDER

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

2. Accused/petitioner, **Khial Ameen** s/o Sabeel Khan seeks his post-arrest bail in case FIR No. 102, dated 10.10.2024, u/s 9 (d) CNSA of Police Station Kalaya, wherein as per contents of FIR, the complainant Nasir Ahmed SHO alongside other police officials acting on information regarding smuggling of narcotics via a motorcar bearing registration no. YS.377 having a secret cavity, laid a picket on the spot, where at about 1930 hours, the above-mentioned motorcar was intercepted. The driver of the motorcar identified himself as Khial Ameen, the present petitioner. Upon searching the secret cavity, the complainant recovered 22 packets of chars, each wrapped in yellow tape, with a total weight of 22,000 grams (22 packets at 1000 grams each). Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case in order to absolve the actual perpetrator, that there is no previous history


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of the accused/petitioner in such like cases and that the FSL report is not available in the case file.

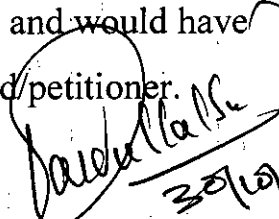
4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence and huge quantity of chars has been recovered from his possessions.

5. In light of the 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. Although the (FSL) report is not yet available, the samples have been submitted to the FSL within the prescribed timeframe and the case is still in its initial stages; thus, the report is forthcoming. 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. Copy of this order be placed on judicial/police file.

7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 30.10.2024


30/10/24

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

