

(3)

BA No. 06/BA of 2024
ABDUL KHANAN VS STATE
FIR No. 57, Dated 02.05.2021, u/s 9 (d) CNSA, PS Kalaya

In the name of almighty Allah who has got unlimited jurisdiction over and beyond the universe.

Bail Application No. : 06/BA 2024
Date of Institution : 26.10.2024
Date of Decision : 30.10.2024

ABDUL KHANAN VS THE STATE

ORDER

DyPP for the State present.

Accused/petitioner, Abdul Khanan s/o Sial Khan present through counsel.

Record received and arguments heard.

2. The accused/petitioner Abdul Khanan s/o Sial Khan is seeking his post arrest bail in case FIR no. 57 dated 02.05.2021, registered u/s 9-D CNSA of Police Station Kalaya.

3. Facts of the case are that; complainant Aftab Khan ASHO PS Kalaya, Orakzai has charged the accused for handing over 24 packets of chars weighing 28800 grams along with motorcar to his co accused namely, Rizwan Ullah which were recovered by the police. Recovery memo was prepared and Murasila was drafted, resultantly the above-mentioned FIR was registered against the accused. The record shows that statement u/s 161 Cr. PC was recorded by the principle accused who named the present accused/petitioner as partner. The principle accused was convicted and later on the present accused/petitioner was arrested. On arrest and completion of physical custody he was remanded to the judicial lock-up and after submission of bail petition the accused/petitioner was released on bail vide order dated 02.11.2023, by my learned predecessor in office. During trial of the case the present accused/petitioner remained absence and his bail was recalled by my learned precedence vide order dated 08.05.2024 and since then he in judicial lock up and now the instant bail application is submitted for his release on bail.

4. After hearing arguments of the learned counsel for the accused/petitioner and learned DyPP for the state, it is concluded that the

Saicez
30.10.24
BAKHIZADA
Addl. District & Sessions Judge
Orakzai at Hangu

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present accused/petitioner was released by my learned predecessor in office vide order dated 02.11.2023 but later on during trial he remained absent and his bail was recalled by my learned predecessor in the court vide his order dated 08.05.2024 and since then he is in the judicial lock up. The original record of the case is in the August Supreme Court of Pakistan in connection with appeal of the principle accused.

5. Keeping the present accused/petitioner in Jail will serve no purpose as no direct recovery has been made from him rather, he was charged by the principle accused in his statement u/s 161 Cr. PC; therefore, I hereby accept the bail petition. I hereby accept the instant bail petition. The accused/petitioner be released bail subjecting to furnishing fresh bail bonds worth Rs. 150,000/- with two sureties in the each like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
6. File of this court be consigned to record room while requisitioned record be returned to quarter concerned.

Announced
30.10.2024

Bakht Zada
30.10.24.

(BAKHT ZADA)
Addl: Sessions Judge-I, Orakzai
at Baber Mela