

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

**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,  
ORAKZAI AT BABER MELA**

Bail Application No : 05/BA of 2024  
Date of Institution : 26.10.2024  
Date of Decision : 01.11.2024

**AKHTAR GUL VS THE STATE**

**ORDER NO: 04**  
01.11.2024

DyPP, Iftikhar Ahmad for the State present. Mr.

Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Akhtar Gul S/O Malak Jan R/O Stori Khel, Mala Khel, Lower Orakzai is seeking his post arrest bail in case FIR No. 60, Dated 17.10.2024, registered U/S 9-D CNSA, registered at Police Station Kurez Boya.

3. Facts of the case narrated in the Murasila are that, complainant Iltaf Ali SHO on 17.10.2024 at 10:00 hours near Ghoz Dara check post were on gasht along with constables Rahim Ali No. 492, Bakir Ali No. 592 and driver Syed Hassan Raza No. 674 and barricade was laid for the purpose of checking. Meanwhile, a Flying coach bearing registration No. EA-3380/Peshawar, violet colour was stopped for checking. During checking, a suspected plastic bag of yellow colour lying on the second seat was checked and 15 packets of Chars wrapped in yellow scotch tape

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was recovered. The same was weighed through digital scale and each packet came out of 1000/1000 grams. The total quantity came to be 15,000 grams on weighing. 10/10 grams were separated from each packet with the help of sharp object and packed and sealed into parcels No. 1 to 15, while the remaining 14850 grams chars along with empty plastic bag were sealed into parcel No. 16. Video of the occurrence was prepared through mobile phone of the driver Syed Hassan Raza No. 674 which was converted into USB and sealed into parcel No. 17. 1/1 seal with monogram "AA" were placed in each parcel and 3/3 monogram seals were affixed on each parcel. Flying coach bearing No. EA-3380/Peshawar, violet colour, Chassis No. TRH112-0011756, Engine No. TR0037943 was taken into possession. The driver disclosed his name as Akhtar Gul S/O Malak Jan, Caste Stori Khel, resident of Mala Khel, Khwa Dara, Tehsil Lower, District Orakzai. The driver stated the case property to be his ownership. He was arrested. Murasila along with recovery memo and card of arrest were sent to the PS through constable Bakir Ali No. 592 and hence, the above-mentioned FIR was registered.

4. Arguments heard and available record perused which shows that huge quantity of Chars weighing 15,000 grams has been recovered from the vehicle being driven by the accused/petitioner. The recovery memo and site plan are supporting the prosecution

*Saker*  
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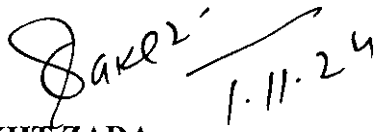
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version. Bail applications are to be decided by the courts on the basis of tentative assessment of material placed before the court and no exhaustive appraisal thereof is permissible. Legality and technicality of procedure was not to be dealt with in-depth while deciding the bail application. There is no ill will or enmity of police with the accused/petitioner.

5. 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. Copy of this order be placed on police/judicial file. File be consigned to the record room after its necessary completion and compilation while record be returned back to the quarter concerned.

**Announced**  
01.11.2024

  
**BAKHT ZADA**  
Additional Sessions Judge-I, Orakzai  
at Baber Mela