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

Petition No. 105/04 of 2024

*"Syed Abaaz ...Versus...The State"*

Order---03

06.11.2024

Mr. Sanaullah Khan, advocate for accused/petitioner, and Sr.PP for State are in attendance. Record received.

Accused/petitioner Syed Abaaz son of Syed Afzal seeks his post arrest bail in case FIR no. 62 dated 30.10.2024 under section 9-D of The KP CNSA of Kurez Boya Police Station, Orakzai.

Concise facts of the case are that complainant along with other police officials were busy in checking at barricade, when in the meanwhile, a white color pickup registration no. W3196/Peshawar approached from Anjani side, which was stopped for search; that the person occupying front seat was deboarded and searched but nothing incriminating recovered from his personal possession; that vehicle was also searched and police found a white color plastic bag lying beneath the front seat; that search of the same led the police to the recovery of 02 packets of chars wrapped in yellow scotch tape; that each packet was weighed through digital scale, one packet came out to be 1000 grams while second packet weighed as 660 grams, making total quantity of 1660 grams of charas; that 10 grams of chars from each packet was separated for FSL and packed in parcels no. 1 to 2 and the balance chars was packed into parcel no. 3; that the videography of the recovery proceedings made through cell phone was saved in USB, which was sealed in parcel no. 4; that pickup registration no. 3196/Peshawar, engine no. 2L3317065 and chassis no. LN85-0120042 was also taken into possession; that accused disclosed his name as Syed Abaaz who was arrested on the spot and FIR was registered.

Arguments heard and record perused.

Perusal of the record reveals that though, there is no mandatory provision in such like cases to associate private witnesses, however, their association is also not expressly

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Addl: District & Sessions Judge-II  
Orakzai at Baber Mela,  
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barred in cases, where there is availability of the public on the spot. In the instant case, record shows that the recovery has allegedly been made from the vehicle of accused/petitioner in a public place; therefore, the local police was supposed to associate private witnesses but they did not. FSL report is not received so far as to determine that whether the recovered contraband is charas or something else. As per site plan, the local police had allegedly arranged a barricade on straight road, which is apparently visible to the accused from considerable distance but this is strange that accused/petitioner despite having huge quantity of charas moved towards them, which need to be sought out after recording of evidence and makes the case of further inquiry. Record further provides that the recovery memo available on file is not signed by marginal witnesses. As per available record, accused/petitioner has no history of involvement in such like cases. All of above facts make the case of accused/petitioner one of further inquiry; therefore, keeping him behind the bar would serve no useful purpose.

So, in the circumstances, the bail application is accepted and accused/petitioner is admitted to bail provided he furnishes bail bonds in sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. My order is tentative in nature and shall have no bearings on merits of the case. Copy of this order be placed on judicial and police 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**  
06.11.2024

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