

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

Bail Application No : 12/BA of 2024
Date of Institution : 14.11.2024
Date of Decision : 16.11.2024

ROSHAN KHAN VS THE STATE

ORDER NO. 03
16.11.2024

Sr. PP, Abul Qasim for the State present. Mr.

Sana Ullah Khan Advocate has sent written arguments.

Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Roshan Khan S/O Awid Khan, R/O Qaum Stori Khel, Lower Orakzai is seeking his post arrest bail in case FIR No. 63, Dated 12.11.2024, registered U/S 9-D CNSA, registered at Police Station Kurez Boya.

3. Facts of the case are that, Sardar Khan ASHO sent Murasila through constable Baqir Ali No. 592, according to which he along with Constables Baqir Ali No. 592, Raheem Ali No. 492 and driver Farhad Ali No. 562 in private vehicle, double cabin were present on barricade on main Sipoye road. During barricade, a motorcycle coming from Zerra side was stopped and on suspicion, two persons were deboarded from the motorcycle. Nothing was recovered during their body search, while on checking the bag on motorcycle, four packets of Chars were recovered. Each packet was found to be 1000 grams on weighing through digital

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scale, while the bag was found to be 212 grams on weighing. 10 grams from each slab of recovered contraband (Chars) were separated through sharp object from each packet and closed in parcel No. 1 to 4 and sent to FSL for chemical examination, while remaining 3960 grams chars and bag were sealed into parcel No. 5. Video of the recovered chars was prepared through mobile phone owned by driver Constable Farhad Ali No. 562 which was converted into USB and sealed into parcel No. 6. One stamp of "AA" was packed into each parcel, while 03 stamps were affixed on each parcel. The driver of the motorcycle disclosed his name as Sher Khan S/O Mastali Khel, R/O Bezote, who admitted two packets of chars to be his ownership, while the second person disclosed his name as Roshan Khan S/O Awid Khan, R/O Stori Khel and he disclosed the remaining two packets of chars to be his ownership. All the parcels, Honda Motorcycle 125cc, bearing registration No. FB-5406/Kohat, red colour, model 2018, engine No. R223391, Chassis No. EA905595. The accused were arrested at the spot. Their card of arrest was prepared. Murasifa along with card of arrest and recovery memo were sent to the PS through Constable Baqir Ali No. 592 and hence, the instant FIR;

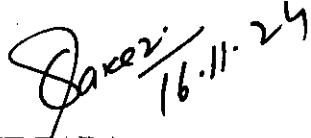
4. Arguments heard and available record perused which shows that allegedly, the recovery of 4kg Chars has been made from one bag, out of which the

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recovery of two kg Chars has been attributed to the present accused/petitioner, while the remaining two kg Chars is shown as the ownership of the co-accused. In the said circumstances, it is yet to be determined that whether the stance regarding the ownership of recovered Chars at equal share is correct or otherwise, furthermore, FSL report regarding the recovered contraband Chars is not available on the case file. Despite of one-day physical custody of the accused/petitioner in favour of police, the accused/petitioner has neither made any admission nor any confession before the court of law. In these circumstances, I am inclined to accept the instant bail application and release the accused/petitioner on bail subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

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

Announced
16.11.2024


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