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ABDUL KHANAN VS STATE

FIR no. 65, dated 17.11.2024, u/s 9(d) CNSA, PS Kurez Boya.

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

Bail Application No : 18/4 of 2024
Date of Institution : 20.11.2024
Date of Decision : 22.11.2024

ABDUL HANAN VS THE STATE

ORDER
22.11.2024

Sr.PP, Abul Qasim for the State present.

Accused/petitioner through counsel Mr. Sana Ullah
Khan Advocate present.

(2). Accused/petitioner, Abdul Khanan s/o Ashna Gul is
seeking his post arrest bail in case FIR no. 65, dated
17.11.2024 u/s 9(d)CNSA of police station Kurez
Boya.

(3). Facts of the case are that complainant Amir Khan,
SHO PS Kurez Boya, sent a Murasila through constable
Bakar Ali no. 592 wherein it is alleged that on
17.11.2024 at 1200 hours, he along with constable
Kinaan Ali no. 240, Bakar Ali no. 592 duly armed in
official vehicle under the custody of driver Farhad Alii
no. 562 were present on naka bandi near Tazi Khel
check post, meanwhile from Anjani side a sliver colour,
Vitz motorcar bearing registration no. 7113/Khyber,
was stopped for checking, wherein two persons were
present they were deboarded and their body search was
carried out, but nothing incriminating was recovered.
The motorcar's, switch board was opened through

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Addl. District & Sessions Judge
Orakzai at Hangu

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screwdriver and in the secret cavity of the switch board 14 packets of chars, wrapped in yellow solution tape were recovered, which were weighed through digital scale, each packet was 1000/1000 grams and the total was found 14,000 grams. From each packet 10/10 grams of chars were separated and sealed into parcels no. 1 to 14 while the remaining 13860 grams were sealed into parcel no. 15 while the screwdriver was sealed into parcel no. 16. Video of the recovery proceedings was prepared through mobile phone of driver, constable Farhad Ali no. 562 which was converted into USB and the same was sealed into parcel no. 17. One seal of monogram "AK" is placed inside each parcel by affixing three stamps of monogram "AK". The parcels along with motorcar bearing registration no. 7113/Khyber, chassis no. SCP 10-3141925, Engine no. 1SZFE997 were taken into possession vide recovery memo. The driver disclosed his name as Huzaifa s/o Yaroz Khan while the person present in the front of car disclosed his name as Abdul Hanan s/o Ashan Gul, both residence of Afridi, Zakha Khel, District Khyber. Both the accused were arrested and hence, the instant bail application is submitted by accused/petitioner Abdul Hanan.

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Addl. District & Sessions Judge-1,
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- (3). Arguments heard and available record perused which shows that a huge quantity of chars weighing 14,000 grams was recovered by the police from the

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secret cavity of the vehicle in their possession. Although, the present accused/petitioner was sitting in the front seat of the motorcar, but both the accused belongs to one and the same caste and village and the question of his knowledge about the presence of contraband chars in the car cannot be ruled out. The offence is heinous in nature. The accused/petitioner has been arrested at the spot and prima facie he is connected with the commission of offence; therefore, I am not inclined at this stage to release him on bail. The instant bail petition is devoid of merits is hereby dismissed. Requested record be returned back to quarter concerned. Copy of this order be placed on police record while file of this court be consigned to record room.

Announced
22.11.2024

Bakht Zada
22.11.24
BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela