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BA No. 89/4 of 2024
HAJAT MIR VS THE STATE
FIR No. 60, Dated 05.11.2024, u/s 11-A CNSA,
Police Station: Mishti Mela

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 89/4 of 2024
Date of Institution : 25.11.2024
Date of Decision : 28.11.2024

HAJAT MIR VS THE STATE

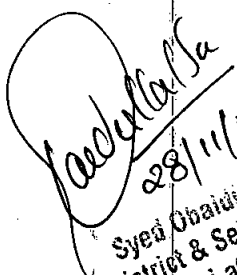
ORDER

DPP, Umar Niaz for the State and Khursheed Alam Advocate for accused/petitioner present. Record Received. Arguments heard and record gone through.

2. Accused/petitioner, **Hajat Mir** s/o Janat Mir, after being refused to be released on bail vide order dated 20.11.2024 of learned Judicial Magistrate-II, Tehsil Court Kalaya District Orakzai, seeks his post-arrest bail in case FIR No. 60, Dated 05.11.2024, u/s 11-A CNSA of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant, Abdul Rauf ASHO along with other police officials having laid a picket were present on the spot where at about 1500 hours a suspicious person on way from Dabori towards the picket was stopped. The complainant recovered 60 grams of ice from his side pocket during personal search of the accused/petitioner. Hence, the present FIR.

3. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is no previous history of the accused/petitioner in such like cases.

4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested


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Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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on the spot and recovery has been made from his personal possession.

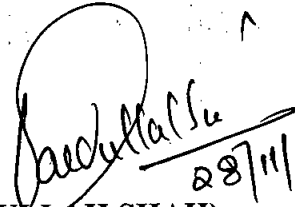
5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though the accused/petitioner is directly nominated in the FIR and the recovery has been effected from personal possession of the accused/petitioner; however, the occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Moreover, the FSL report is yet awaited to show the nature of the substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

6. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 80,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

7. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on police/judicial file.

8. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 28.11.2024


28/11/24

(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela

