

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

Bail Application No : 19/04 of 2024  
Date of Institution : 21.11.2024  
Date of Decision : 28.11.2024

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**ORDER NO. 03**  
28.11.2024

Sr. PP, Abul Qasim for the State present.

Accused/petitioner Ikram Ullah S/O Abdul Bas Khan present through Mr. Sana Ullah Khan Advocate. Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Ikram Ullah S/O Abdul Bas Khan, R/O Qaum Feroz Khel, Tappa Qasim Khel, Village Goen, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No. 61, Dated 07.11.2024, registered U/S 11-(b) CNSA, registered at Police Station Mishti Mela.

3. Facts of the case are that, complainant ASHO Abdul Raof Khan sent a Murasila through Constable Shameer Ullah No. 2195 to the effect that he along with Constables Shameer Ullah No. 2195, Muhammad Ibrahim No. 2216 duly armed in the private vehicle at the place of occurrence main road Mishti Mela to Kalaya, Sangrah, Serrhi Morr, were present for nakabandi. In the meanwhile, a pedestrian/person wearing "Chaddar" around him was coming from Kalaya side and heading towards them was stopped on suspicion, who was having a blue colour plastic

*Sana Ullah Khan*  
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shopper in his left hand, which was taken into possession and body search of the accused was conducted during which nothing incriminating was recovered. On checking the plastic shopper, ICE was recovered from the same which was weighed through digital scale and the same came to be 600 grams. One gram was separated for the purpose of FSL, which was sealed into parcel No. 1, while the remaining 599 grams along with plastic shopper were sealed into parcel No. 2. The video of the occurrence was prepared through mobile phone of Constable Shameer Ullah No. 2195, which was converted to USB and the same is sealed into parcel No. 3. One stamp of monogram "AR" was sealed inside each parcel, while 3 monograms of "AR" were affixed on each parcel. All the case property was taken into possession vide recovery memo. The person disclosed his name as Ikram Ullah S/O Abdul Bas Khan, R/O Qaum Feroz Khel, Tappa Qasim Khel, Village Goen, Tehsil Lower, District Orakzai. He was arrested and his card of arrest was issued. Card of arrest, recovery memo and Murasila were sent to PS through Constable Shameer Ullah No. 2195 for registration of FIR.

4. Arguments heard and available record perused, which shows that though the present accused/petitioner has been arrested while carrying 600 grams ICE while crossing the barricade, of police as pedestrian, which is apparently visible from quiet a considerable distance

*Jace ✓*  
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Orakzai at Harigu

as shown in the site plan, but this is strange that accused/petitioner having conscious of fact of carrying ICE still headed towards the barricade without stopping and waiting for the end of naka bandi, despite of the fact that being pedestrian it was not difficult for him to change the route and crossed the barricade unnoticed. This fact makes the case of the present accused/petitioner as one of further inquiry, furthermore, about 21 days have been lapsed since the lodging of FIR, but neither the FSL report regarding the contraband has been received to determine that whether the recovered contraband was actually the ICE or otherwise, furthermore, despite of expiry of statutory period challan in the instant case has not been submitted as yet. Though there is no mandatory provision in such like cases to associate private witnesses, however, their association is also not expressly 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 accused/petitioner from public place; therefore, the local police was supposed to associate private witnesses but they did not.

5. So, in the circumstances the bail application is accepted and accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. Sureties must be local,

*Jalil*  
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reliable and men of means. My order is tentative in nature and shall have no bearings on merits of the case.

6. Requisitioned record be returned to the quarter concerned and file of this court be consigned to record room after necessary completion and compilation.

**Announced**  
28.11.2024

*Bakht Zada*  
28.11.2024

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