

MUSA KHAN ETC VS STATE

FIR no. 21, dated 27.11.2024, U/S 9(d) CNSA, PS Dabori

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

Bail Application : 24/04 of 2024
Date of Institution : 30.11.2024
Date of Decision : 14.12.2024

ORDER

14.12.2024

Sr. PP, Abul Qasim for the State present.

Accused/petitioners Musa Khan and Liaq Shah s/o Momeen Khan through Mr. Sana Ullah Khan Advocate present. Record received.

(2). Accused/petitioners, (1) **Musa Khan** s/o Khan Zadin, (2) **Liaq Shah** s/o Momeen Khan both r/o Shahpoor, Teen Talab District, Kohat are seeking their release on bail in case FIR no. 21, dated 27.11.2024 u/s 9(d) CNSA of police station Dabori.

(3). Facts of the case are per Murasila are that complainant Muhammad Ishaq Khan SHO along with constables Shahid Gul No. 1714, Ajmal Khan No. 1664 and other police officials on 27.11.2024 received information during gasht that huge quantity of Bhung Ghoza were going to be smuggled through Datsun bearing No. RME/5703. On the said information, he laid barricade at Arhanga road and at 2245 hours the said Datsun coming from Dabori side was stopped. The driver disclosed his name as Noor Kamal s/o Nowroz Khan r/o District Khyber and the other two persons present with the driver, disclosed their names

Baker
14.12.24

BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Hangu

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as Musa Khan s/o Khan Zadeen and Laiq Shah r/o Sheen Talab. Nothing was recovered during their body search. On further checking 22 sacks were found loaded in the back trolley of the pick-up from which the cannabis flowering (بهنگ غوزا) were recovered. The driver disclosed that the same is ownership of one Musa Khan s/o Khan Zadeen r/o District Khyber and that accused Musa Khan is his worker. He separated 10 grams of contrabands from each sack and sealed the same into parcels no. 1 to 22 for sending the same to FSL while the remaining sacks/ bags were sealed in parcels no. 22 to 23 by affixing 3/3 seals of monograms 'DB' over the same. Due to prevailing darkness video of the occurrence could not be prepared. The accused were arrested and their cards of arrest were issued and hence, the instant bail application.

- (4). Arguments heard and available record perused which shows that present accused/petitioner (1) Musa Khan s/o Khan Zadeen and (2) Laiq Shah s/o Momeen Khan were present in the front seat with the driver of the vehicle from which 22 bags of cannabis dried green flowering, fruiting and leaves were recovered which comes under the definition of Narcotics as defined in section 2 (z) of the Control of Narcotics Substance Act, 2019. The FSL report also shows that the contents of the parcels i.e., parcels no.

Fauce ✓
14.12.24
BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu

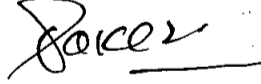
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1 to 22 were subjected to physical and chemical analysis, which revealed that the "THE CONTENTS OF ALL THE ABOVE PARCELS WERE DRIED GREEN FLOWERING, FRUITING AND LEAVES OF CANNABIS PLANT". According to the prosecution the said contrabands was taking to District Khyber for extracting "CHARS" from the same. The driver has disclosed that the same is ownership of the present accused/petitioner namely Musa Khan and petitioner Laiq Shah is his worker. As huge quantity of contrabands has been recovered and the accused/petitioner have been arrested on the spot. No ill will or malafide on the part of police is alleged by the petitioner and their bail application. I am therefore, not inclined to release the accused /petitioners on bail. The same is dismissed. Requisitioned record be sent back. Copy of this order be placed on the judicial file while record of this court be consigned to record room within the stipulated time in accordance with law.

Announced
14.12.2024


14.12.24
BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela