

4

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

Bail Application No : 28/4 of 2024  
Date of Institution : 18.12.2024  
Date of Decision : 20.10.2024

INZAM UL HAQ VS THE STATE

ORDER  
20.12.2024

Sr. PP for the State present. Accused/petitioner through Mr. Sana Ullah Khan Advocate present. Record received.

2. The accused/petitioner namely, Inzamam UI Haq S/O Noor Mat Khan r/o Zakha Khel, District Khyber is seeking his post arrest in case FIR No. 69, Dated 03.12.2024, U/S 9(d) CNSA, registered at Police Station Mishti Mela.

3. Facts of the case are that complainant Azmat Khan SHO sent Murasila that on 03.12.2024 at 1420 hours he along with constables Muhammad Suleman no. 2135, Hamid Ullah no. 1198 duly armed and the official vehicle driven by Makael Khan HC/1211 were present, on the main road Mishti Mela to Kada Bazar, for nakabandi, meanwhile a motorcycle on which two persons were riding was coming from Mishti side in suspicious condition. The same was stopped for checking and the person sitting on the back seat was having white colour sack in his lap. Both the persons were deboarded from motorcycle. The sack was taken into possession. During body search of the accused

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

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nothing incriminating was recovered. The driver of motorcycle disclosed his name as Inzamam Ul Haq s/o Noormat Khan while back seater disclosed his name as Sadique Ullah s/o Fazal-e-Akbar. On checking the recovered sack Chars gardah was recovered. On weighing through digital scale, the same was found to be 11,000 grams. 10 grams from the contrabands were separated for the purpose of sending to FSL which were sealed into parcel no. 1 while the remaining 10990 grams along with white colour sack were sealed into parcel no. 2. Videography of the occurrence was done through the cellphone of constable Muhammad Suleman no. 2135 and was converted into USB and sealed the same into parcel no.3. The accused were arrested. During investigation accused/petitioner Sadique Ullah disclosed that the chars belong to both of them. Card of arrest, recovery memo and Murasila were sent to the PS for registration of FIR and hence, the instant bail application.

4. Arguments heard and available record perused which shows that it is alleged in the FIR, the recovered contrabands Chars is the joint ownership of the present accused/petitioner and his companion back seater. That the present accused/petitioner is driver of the motorcycle in question and as per judgments of superior courts, the driver is presumed to be in the knowledge about his vehicle and anything recovered therefrom. In the present case a huge quantity of contraband chars has

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

6

been recovered from back seater of the motorcycle driving by the accused/petitioner. No malafide or ill will and enmity exists between the complainant and the accused/petitioner on the part of police has been alleged, the offence carries capital punishment. Therefore, I am not inclined to release the accused/petitioner on bail. The instant bail petition dismissed. Requisitioned record be returned to the quarter concerned.

5. File of this court be consigned to the record room within the stipulated time.

**Announced**  
20.12.2024



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