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

Bail Application No : 20/4 of 2024  
Date of Institution : 24.01.2025  
Date of Decision : 25.01.2025

MUHAMMAD RAEES VS THE STATE

ORDER  
25.01.2025

Petitioner through Mr. Sana Ullah Khan

Advocate present. Sr. PP for the State has already argued the instant bail application in advanced yesterday. Record received. Arguments of the learned counsel for the petitioner hear.

(2). The accused/petitioner namely, Muhammad Raees s/o Muhammad Nawaz r/o Caste Bar Qamber Muhammad Khel, District Khyber is seeking his post arrest bail in case FIR No. 06, Dated 21.01.2025, U/S 9 (D) CNSA registered at Police Station Kalaya.

(3). Facts of the case as per Murasila are that complainant Shal Muhammad SHO along with other police officials on 21.01.2025 at 1955 hours were present on Nakabandi at Utman Khel check post. In the meanwhile, a Honda-125 motorcycle coming from Bezot side was stopped. The rider was checked, but nothing incriminating was recovered during his body search. During search 03 packets of Chars wrapped in yellow scotch tape were recovered from the secret cavity under the rear seat of the motorcycle, each of which was found 1000 grams on weighing through

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Orakzai at Hangu

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digital scale and the total was found to be 3000 grams. 10 grams from each packet were separated for the purpose of FSL and sealed into parcels no. 1 to 3 while the remaining 2970 grams were sealed into parcel no. 4. Video of the occurrence was prepared by the constable Muhammad Irshad no. 336 through mobile phone which was converted into USB and the same was sealed into parcel no. 5. One seal of monogram "SH" was placed in each parcel, while three stamps of monogram "SH" were affixed on each parcel. The motorcycle bearing registration No. FW 8689, chassis No. EA 229067, engine No. 8746863 red colour was taken into possession along with the parcels vide recovery memo. The accused disclosed his name as Muhammad Raees s/o Muhammad Nawaz, Bar Qamber Khel, District Khyber, who was arrested and hence the instant bail application.

(4). Arguments heard and available record perused. The site plan of the occurrence shows that the occurrence has taken place on the straight main road from Kalaya Headquarter to Kohat and being on motorcycle the accused/petitioner could have easily avoid the same after seeing the barricade from some distance, but despite having alleged contraband Chars in his possession the accused/petitioner still approached towards the barricade without any fear as alleged in the FIR, but the same is against the natural conduct of a person to cross the barricade of police while having

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contraband Chars in his possession, particularly when he could avoid the same after noticing the police barricade on the road which makes the case of accused/petitioner one of further inquiry. Furthermore, the accused/petitioner has annexed his Form-B, issued by National Data Base and Registration Authority, wherein his date of birth is mentioned as 12.12.2008 and according to same the accused/petitioner has not yet attained the age of majority. The accused/petitioner is first offender and his no previous history is mentioned in the case file, therefore, keeping in view the age of the accused/petitioner coupled with other grounds mentioned above, I hereby accept the instant bail petition subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

- (5). Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation.

**Announced**  
25.01.2025

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Additional Sessions Judge-I, Orakzai  
at Baber Mela