

In the name of almighty Allah who has unlimited jurisdiction over and beyond the universe.

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

Bail Application No : 19/4 of 2025
Date of Institution : 24.01.2025
Date of Decision : 31.01.2025

ORDER NO. 06
31.01.2025

APP, Nisar Ahmad for the State present. Mr. Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Muhammad Hakeem S/O Said Jalal R/O Qaum Shalubar, District Khyber is seeking his post arrest bail in case FIR No. 05, Dated 19.01.2025, registered U/S 9-D CNSA, registered at Police Station Kalaya.

3. Facts of the case narrated in the Murasila are that, complainant Shal Muhammad SHO on 19.01.2024 at 1300 hours on main metaled road situated at Goen were on gasht along with constables Alam Jan HC, Muhammad Irshad, Shabeer Khan and driver Irfanullah. Meanwhile, upon reaching the place of occurrence a pedestrian was stopped on suspicion. His personal search was carried out and during search 8 packets chars wrapped in yellow scotch tape were recovered from both side pockets of his waistcoat. The same was weighed through digital scale and each packet came out to be 1000/1000 grams, making the

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total 8000 grams. 10/10 grams chars were separated from each packet and packed and sealed into parcels No. 1 to 08, while the remaining 7920 grams chars along with waistcoat were sealed into parcel No. 09. Video of the occurrence was prepared through mobile phone which was converted into USB and sealed into parcel No. 10. 1/1 seal with monogram "SH" was placed in each parcel and 3/3 monogram seals were affixed on each parcel. The person disclosed his name as Muhammad Hakeem S/O Said Jalal, R/O Caste Shalubar, District Khyber. He was arrested and his card of arrest was issued. Murasila along with recovery memo and card of arrest were sent to the PS through constable Muhammad Shabeer and hence, the above-mentioned FIR was registered.

4. Arguments heard and available record perused which shows that huge quantity of Chars weighing 8000 grams has been recovered from the direct possession of the accused/petitioner. The recovery memo and site plan are supporting the prosecution version. Bail applications are to be decided by the courts on the basis of tentative assessment of material placed before the court and no exhaustive appraisal thereof is permissible. Legality and technicality of procedure was not to be dealt with in-depth while deciding the bail application. There is no ill will or enmity of police with the accused/petitioner.

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5. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

6. Copy of this order be placed on police/judicial file. File be consigned to the record room after its necessary completion and compilation while record be return back to the quarter concerned.

Announced
31.01.2025

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