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ALLA BAZ VS STATE

FIR no. 26 dated 21.04.2024, u/s 9(d) CNSA, PS Kalaya.

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

Bail Application No : 25/04 of 2024  
Date of Institution : 06.02.2025  
Date of Decision : 08.02.2025

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**ORDER**

27.11.2024

Sr.PP, Abul Qasim for the State present.

Accused/petitioner through counsel Malak Altaf

Advocate present. Record received.

(2). Accused/petitioner, Alla Baz s/o Gul Baz r/o caste Stori Khel, Anjani District, Orakzai is seeking his post arrest bail in case FIR no. 26, dated 21.04.2024 u/s 9(d)CNSA of police station Kalaya, District Orakzai.

(3). Facts of the case are that complainant Shal Muhammad SHO PS Kalaya sent Murasila through constable Wajid Ullah No. 320 to the effect that informer has informed him that huge quantity of Chars through motorcycle will be smuggled from Said Khalil towards Anjani Bazar. On the said information, the complainant along with Jahanzeb HC No. 1416, Wajid Ullah No. 320, Saif Ullah No. 1460 duly armed proceeded to the place of occurrence in the official vehicle being driven by Zeeshan Haider No. 590 and laid barricade there. In the meanwhile, a motorcycle coming from Anjani side was stopped for checking and during his body search nothing incriminating was

  
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recovered however, on checking the sack present with the driver contraband Chars was recovered. On weighing the same through digital scale, the same were found 20000 grams. Video of the occurrence was prepared by driver Zeeshan Haider. The accused disclosed his name as Hashmat Ullah S/O Khana Gul, R/O Stori Khel. He was arrested and hence the instant FIR. Later on, the police charged one Mustaqeem s/o Aziz Khan and the present accused/petitioner Alla Baz s/o Gul Baz after recording statement of main accused namely Hashmat Ullah u/s 161 Cr. P.C and hence the instant bail application.

- (4). Arguments heard and available record perused, which shows that the present accused/petitioner is neither charged in the FIR, nor any recovery has been affected from his personal possession, rather the accused/petitioner has been charged by the main accused namely Hashmat Ullah s/o Khana Gul in his statement u/s 161 Cr P.C, that he was told by the owner of the Chars namely Mustaqeem s/o Aziz Khan to take the same to one Alla Baz (accused/petitioner). Neither any active role has been assigned to the present accused/petitioner in transportation of the contraband, nor any record of contacts between Mustaqeem, Hashmat Khan and Alla Baz has been brought on record. No previous history of involvement of the present accused/petitioner has been annexed by the

  
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prosecution, with case file, regarding his involvement in such like cases. There is no FSL report on the case file to show that whether the contraband in question is Chars or something else, furthermore main accused Hashmat Ullah is also on bail and he has resiled from his statement before the court and refuse to record his confession u/s 364/164 Cr. P.C.

- (5). In view of the above facts and circumstances the case of the accused/petitioner is one of further inquiry. I, therefore, accept the bail application of the accused/petitioner subject to furnishing 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. My order is tentative in nature and shall have no bearings on merits of the case. Copy of this order be placed on judicial and police files. Requisitioned record is returned to the quarter concerned and file of this court be consigned to record room after its necessary completion and compilation.

**Announced**  
08.02.2025

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