

BA No. 15/4 of 2025
SABIR ALI VS THE STATE
FIR No. 08, Dated 10.02.2025, u/s 9 (d) CNSA,
Police Station Kurez
IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 15/4 of 2025
Date of Institution : 12.02.2025
Date of Decision : 17.02.2025

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ORDER

DPP, Umar Niaz for the State and Syed Muhammad Ibrahim Hassan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Sabir Ali** s/o Sahib Ali seeks his post-arrest bail in case FIR No. 08, Dated 10.02.2025, u/s 9 (d) CNSA of Police Station Kurez, wherein, as per contents of FIR, the complainant Mujahid Khan SHO along with other police officials during routine patrolling set up a picket on the crime scene where at about 09:30 hours a white colour Suzuki heading from Kurez towards the picket, was stopped. The driver of the vehicle was disembarked and he was personally searched but nothing incriminating material was recovered from his personal possession. However, the complainant recovered 04 packets of chars, each weighing 1000 grams and wrapped in yellow colour scotch tape, totaling 4000 grams from a plastic sack which was

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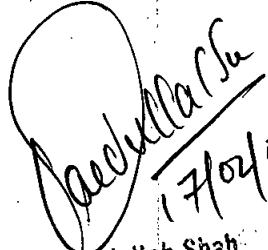
placed beneath the driver's legs while driving the
vehicle. Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case in order to absolve the real culprit, that the alleged occurrence has taken place on 10.02.2025 but the FSL report is yet not available on file, that there is no previous history of the accused/petitioner in such like cases.

4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of offence which falls within the prohibitory clause.

5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged, attracts the prohibitory clause of section 497 CrPC; however, the recovery has not been effected from direct possession of the

accused/petitioner. The FSL report is yet awaited to show that whether the recovered substance was actually chars or otherwise. Moreover, accused/petitioner, after his arrest, has gone through the process of investigation but he has neither


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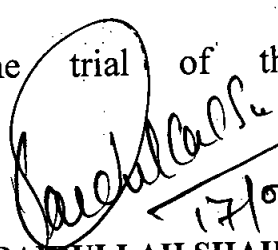
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confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation. No past criminal history either of involvement or conviction of the accused/petitioner was brought on record. As such, further enquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

6. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
7. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
8. Copy of this Order be placed on police/judicial file.
9. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 17.02.2025


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