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BA No. 13/4 of 2025
ABDUL REHMAN VS THE STATE
FIR No. 13, Dated 08.02.2025, u/s 9 (d) CNSA,
Police Station Kalaya

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 13/4 of 2025
Date of Institution : 10.02.2025
Date of Decision : 17.02.2025

ABDUL REHMAN VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Abdul Rehman** s/o Amal Khan seeks his post-arrest bail in case FIR No. 13, Dated 08.02.2025, u/s 9 (d) CNSA of Police Station Kalaya, wherein, as per contents of FIR, the complainant Shal Muhammad SHO along with other police officials set up a picket on the crime scene where at about 1230 hours a suspicious person wearing a shawl and holding a white colour shopper in his right-hand walking from Utman Khel towards the picket, was stopped. Nothing incriminating was recovered from him during his search. However, the complainant recovered 2000 grams of chars from the aforementioned shopper. Hence, the present FIR.

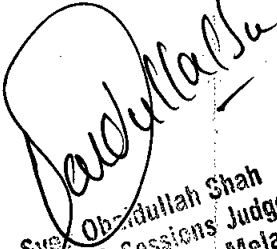
Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case in order to absolve the


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real culprit, that the alleged occurrence has taken place on 08.02.2025 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 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 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,


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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.

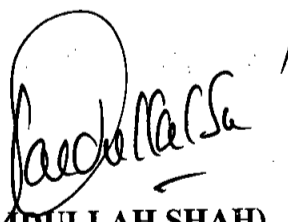
7. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

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




(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela