

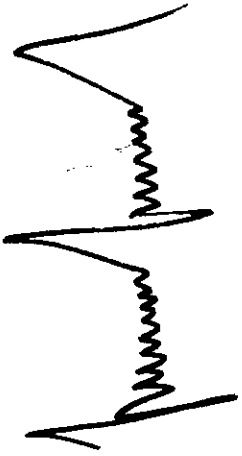
BA No. 65/BA of 2020

Or 03
20-06-2020

Present:

Sana Ullah Khan Advocate for the accused/petitioner
DPP Umar Niaz Khan for State
Record received

This order shall dispose of **Post-arrest Bail Application** filed on behalf of accused/petitioner **Awal Muhammad** s/o Asghar Muhammad; r/o caste Stori Khel, Tapa Mala Khel, Tari Tazi Khel Lower Orakzai; who is confined in jail in case **FIR No. 39** dated 09-05-2020, u/s **5 KP-CNSA** registered in PS Lower Orakzai.



Facts of the case, according the FIR, are; that complainant, Muhammad Farooq, inspector/in-charge of Police-post Stori Khel, received information that accused/petitioner had planted *dhoda* (opium) crop in his fields; that the inspector visited the spot with police party and found standing crop of poppy. That few samples of the crop were obtained for FSL analysis and as evidence, which were sealed into parcels. The report in this respect was sent to PS for registration of case. On 16-06-2020 the accused/petitioner was arrested from outside of his house. Hence, the instant petition.

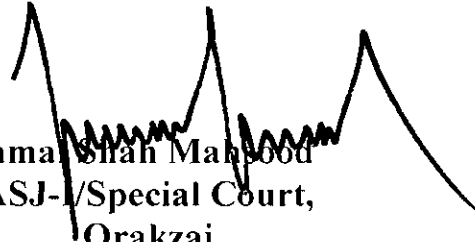
Arguments heard and record perused, tentative assessment of which shows that:

1. The offence does not fall under the prohibitory clause of section 497 CrPC.
2. There is no evidence on record to prove the ownership of field of land are the owner of crop.

3. There is nothing on record to show that the allegedly recovered substance has been kept in safe and proper custody.
4. There is nothing on record to show that the accused/petitioner has previously been involved in any criminal case.

In these circumstances the accused/petitioner has made out a case of further inquiry into his guilt for the purpose of grant of bail. Accordingly, instant petition is **allowed** and accused/petitioner Khalid is directed to be released on post arrest bail, subject to furnishing of bail bonds in the sum of **Rs. 80,000** (eighty thousand) with two sureties, each in the like amount, to the satisfaction of this court. Let a copy of this order be placed on record of the case and the same be returned to the quarter concerned. Let this file is to be consigned to record room after necessary completion and compilation.

Announced
20-06-2020


Jama Shah Mansoor
ASJ-/Special Court,
Orakzai