

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II/JUDGE SPECIAL
COURT ORAKZAI, AT BABAR MELA**

BA No. 42 of 2020

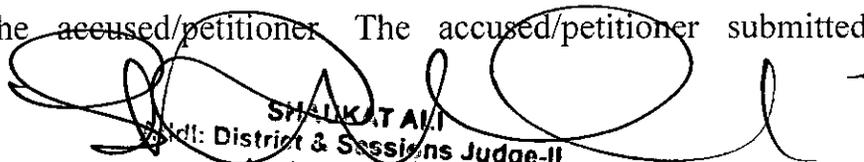
Inzar Gul Vs State

ORDER
24.07.2020

Learned counsel for accused/petitioner present. Syed Amir Shah,
learned APP for State present.

Accused/petitioner Inzar Gul s/o Gul Marjan r/o Qambar Khel
Khwadat Khel, Barhi District Khyber is seeking his post arrest bail in case
FIR No.68 dated 29.06.2020 u/s 9-D CNSA, PS Lower Orakzai District
Orakzai on medical ground.

Brief facts of the case are that the complainant received information
about the smuggling of narcotics and on that information he along with other
police constables put barricades at Sultan Zai Shaga road, that in the
meanwhile from Ibrahim Zai side a person on motorcycle on seeing the
police party speed up the motor cycle who fell on the ground at some distance
and was over powered, that the accused/petitioner was wearing waist coat
wherein special pockets were designed for smuggling of narcotics and on
search of the waist coat 2/2 packets chars total 08 packets were recovered
from the four pockets of the waist coat which were wrapped in a yellow scotch
tape, that on weightment each packet was found 1200/1200 grams total 9600
grams. 10/10 grams was separated from each packets for the purpose of FSL
analysis and sealed in parcels No.1 to 8 while rest of the chars was sealed
into separate parcel. The waist coat was also sealed into separate parcel. The
recovered chars, motorcycle and waist coat was taken into possession and
the accused was arrested who disclosed his name Inzar Gul s/o Gul Marjan
r/o Qambar Khel Khwadat Khel, Barhi District Khyber. The accused had
sustained injuries on his right knee, his injury sheet was prepared and was
referred to hospital for treatment. Murasila was drafted and sent to PS for
registration of the case, on the basis of which instant FIR was registered
against the accused/petitioner. The accused/petitioner submitted bail


 SHAHKAT ALI
 Sd/- District & Sessions Judge-II,
 Orakzai at Hanjra

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application which was dismissed on merits by this court vide order dated 14-07-2020. Now the accused/petitioner submitted the instant bail application on medical ground.

Arguments of learned counsel for the accused/petitioner and learned APP for the State heard and available record perused.

This court in order to decide the bail application of the accused/petitioner seeking his bail on medical ground, a report was sought from the medical officer jail Orakzai at Babar Mela who submitted his report wherein it was mentioned by the medical officer that it has been noted that accused is a patient of RTA. According to medical investigation and medical prescription accused has complete rupture of medial collateral ligament noted which laxed (MRI Report) appear and reconstruction of medial complex of knee procedure has been done by the orthopedic surgeon. The medical officer opined that patient is vitally stable but he needs physical support. The medical report of the accused/petitioner was perused which does not show that the ailment is such that it cannot be properly treated within the jail premises and some specialized treatment is required and the continued detention of the accused/petitioner in jail is likely to affect his health or his detention in jail is hazardous to his life. Proper medication is available to the accused/petitioner and there are no strong reasons exist to believe that the nature of disease is such which require a special treatment and care that is not possible in jail and further detention of accused in jail would endanger his life, hence the accused/petitioner is not entitled to be released on bail on medical ground.

In view of above, instant bail petition, being devoid of merits, stands dismissed.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
24.07.2020



(SHAUKAT ALI)
Additional Sessions Judge-II/JSC,
Orakzai at Babar Mela
Addl: District & Sessions Judge-II,
Orakzai at Hangu