

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

Bail Application No : 94/4 of 2021
Date of Institution : 22.02.2021
Date of Decision : 24.02.2021

MUHAMMAD SALIM VS THE STATE

ORDER

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

2. Accused/petitioner, Muhammad Salim seeks his release on bail in case FIR No. 14, dated 18.02.2021 registered U/S 9 (d) KP CNSA at Police Station Lower Orakzai Kalaya, wherein he is charged for 08 packets chars (each packet 1200 grams) total weighing 9600 grams allegedly thrown behind alongwith motorcycle without number while escaping from the spot.
3. From the arguments and record available on file, it reveals that the accused/petitioner was neither arrested from the spot nor the



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alleged chars were recovered from his immediate possession. The local police in the FIR has mentioned that the accused/petitioner was boarded on the motorcycle, which motorcycle alongwith sack of chars was thrown behind at the spot while the local police was having the official pick-up, yet the escaping of the accused/petitioner on foot is not appealing to a prudent mind. The features of accused are not mentioned in the initial report, yet his charging by name is questionable. The samples of chars were sent to the FSL with unexplained delay of 14 days besides the FSL report is not available on the case file to determine the nature of substance recovered. Accused/petitioner, after his arrest, has gone through the process of investigation but neither he confessed his guilt nor anything incriminating recovered from his possession during the said period of investigation. No past criminal history of conviction of the accused/petitioner was brought on record. As such, further enquiry would be attracted to the



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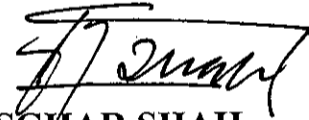
case of accused/petitioner and his case is thus arguable for the purpose of bail.

4. Accordingly, for the reasons briefly mentioned above, bail petition in hand stand accepted and accused/petitioner is admitted to bail subject to furnishing bail bonds in the sum of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of this court. The prosecution is directed to submit the complete challan of the accused forthwith.

5. File be consigned to Sessions Record Room after its necessary completion and compilation.

Announced

24.02.2021



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