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

BBA No. 64 of 2020

Sajid Vs STATE

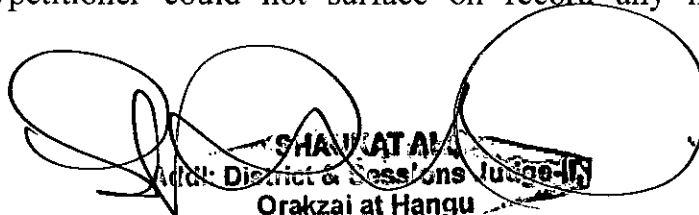
**ORDER**  
**04.12.2020**

Accused/petitioner on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioner present. Mr. Umar Niaz DPP for the State present.

Accused/petitioner Sajid s/o Akbar Khan r/o Qoam Kamar Khel, manzakhay District Orakzai is seeking the confirmation of his ad-interim pre-arrest bail in case FIR No.119 dated 21/11/2020 u/s 9-D KP-CNSA of PS Lower Orakzai (Kalaya), wherein the accused/petitioner is charged for having in his possession chars weighing 5450 grams which the accused/petitioner had allegedly thrown on the spot while escaping from the police after seeing the police party.

Arguments of the learned counsel for the accused/petitioner and learned DPP for the state heard and record perused.

The perusal of record would reveal that there was information to the police regarding the smuggling of narcotics by accused/petitioner and on that information barricade was laid down where the accused/petitioner allegedly on seeing the police party escaped while throwing the narcotics on the spot. The accused/petitioner is charged for huge quantity of chars who is yet to be interrogated in the case and the investigation officer has to dig out the facts of the case by interrogating the accused. The accused/petitioner while claiming the concession of pre-arrest bail, has to show mala fide on the part of police on available record which is sine qua non for the confirmation of ad-interim pre arrest bail. However on the available record the accused/petitioner could not surface on record any mala fide or false

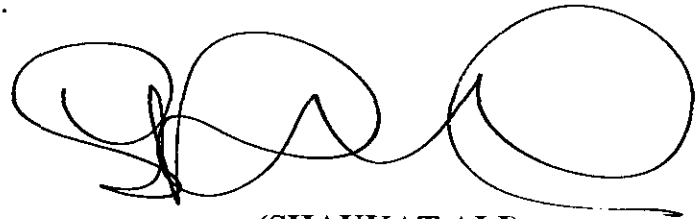
  
SHAWKAT ALI  
Addl. District & Sessions Judge-II  
Orakzai at Hangu

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implication on the part of complainant, hence in the circumstances of the case the accused/petitioner is not entitle to the confirmation of pre-arrest bail.

In view the above, the bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 27/11/2020 is hereby recalled.

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

**Announced**  
**04.12.2020**



**(SHAUKAT ALI)**  
Addl; Sessions Judge-II/JSC,  
Orakzai at Babar Mela