

Or 01
09-05-2020

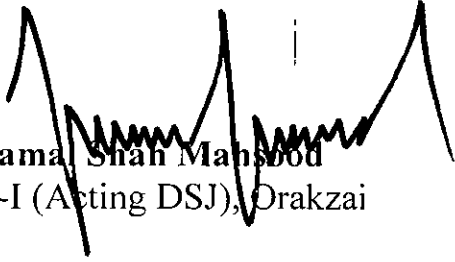
Case file of Bail Application submitted by Sana Ullah Khan Advocate, during Covid-19 lock-down. Let it be registered.

Present

Sana Ullah Khan Advocate for accused/petitioner

Record of the case be requisitioned through SHO

Lower Orakzai for 11-05-2020.


Jamal Shah Mahsood
ASJ-I (Acting DSJ), Orakzai

BA No. 56/BA of 2020
Or 02
11-05-2020

Present:

Sana Ullah Khan Advocate for the accused/petitioner

DPP Umer Niaz Khan for State

Record received

This order shall dispose of **Post-arrest Bail Application** filed, on behalf of accused/petitioner **Khalid** s/o Guli Shah; r/o Shalobar Maidan Khil, Donga, District Khyber; who is confined in jail in case **FIR No. 37** dated 08-05-2020, u/s **11 (a) of KP-CNSA** registered in PS Lower Orakzai.

Facts of the case, according the FIR, are; that complainant, inspector/In charge of Police post Storikhail, was on routine patrol of the area along with a police party when he saw accused/petitioner; that the accused/petitioner seemed suspicious and on personal search a plastic packet containing 12 grams of ice was recovered from his pocket; that a 01-gram sample was separated for FSL analysis and that the remaining

substance was sealed into another parcel. The accused was arrested. 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 nothing on record to show that the allegedly recovered substance was kept in safe and proper custody, nor is there anything on record to show that any sample has so far been dispatched to FSL Peshawar.
3. 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. 100,000** 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
11-05-2020


Jamal Shah Mahsood
ASJ-I/Special Court,
Orakzai