

Or 04
02-12-2019

Present:

Abid Ali Advocate for the accused/petitioner
APP Syed Aamir Shah for State

This order shall dispose of bail application filed on behalf of accused/petitioner **Ghamin Ur Rehman** s/o Noor Zada; r/o Sheikhan caste, Central Orakzai; who is confined in jail in case **FIR No. 19** dated 17-11-2019, u/s **9 (d) CNSA** of PS Upper Orakzai (Ghiljo).

Facts of the case, according the FIR, are; that complainant Saleem Khan SI was on routine patrol of the area with other police officials when he came across the accused/petitioner who was holding a small plastic bag in his hand; that the accused/petitioner was apprehended and on checking 03 packets of Chars were found present in the small plastic bag, weighing 3605 grams in total; that 10 grams sample was separated form each for FSL analysis and that all the recovered substance was sealed into different parcels. The accused/petitioner, Ghamin Ur Rehman, was arrested. Hence the instant petition.

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

1. The allegedly recovered 03 packets of narcotics were not weighed independently; no seals with monograms were affixed on the alleged parcels; the alleged samples were dispatched to FSL with delay and the report is not available on record. No

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Audi: District & Sessions Judge-I
Orakzai at Hangul

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document is available on record to show that the allegedly recovered substance has been kept in safe and proper custody.

2. There is nothing on record to show that the accused/petitioner has previously remained involved in any such 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/petitioners are directed to be released on post arrest bail, subject to furnishing of bail bonds in the sum of **Rs. 200,000** 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
02-12-2019


JAMAL SHAH MAHSOOD
AS-I, Orakzai