

NOOR KAMAL VS STATE

FIR no. 21, dated 27.11.2024, U/S 9(d) CNSA, PS Dabori

**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS
JUDGE-I, ORAKZAI AT BABER MELA**

Bail Application : 23/03 of 2024
Date of Institution : 30.11.2024
Date of Decision : 14.12.2024

ORDER

14.12.2024

Sr. PP, Abul Qasim for the State present.

Accused/petitioner Noor Kamal s/o Nowroz Khan
through Mr. Sana Ullah Khan Advocate present.
Record received.

(2). Accused/petitioners, **Noor Kamal** s/o Nowroz Khan,
r/o District, Khyber is seeking his release on bail in
case FIR no. 21, dated 27.11.2024 u/s 9(d) CNSA of
police station Dabori.

(3). Facts of the case are per Murasila are that
complainant Muhammad Ishaq Khan SHO along with
constables Shahid Gul No. 1714, Ajmal Khan No.
1664 and other police officials on 27.11.2024 received
information during gasht that huge quantity of Bhung
Ghoza were going to be smuggled through Datsun
bearing No. RME/5703. On the said information, he
laid barricade at Arhanga road and at 2245 hours the
said Datsun coming from Dabori side was stopped.
The driver disclosed his name as Noor Kamal s/o
Nowroz Khan r/o District Khyber and the other two
persons present with the driver, disclosed their names
as Musa Khan s/o Khan Zadeen and Laiq Shah r/o

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Addl: District & Sessions Judge-1,
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Sheen Talab. Nothing was recovered during their body search. On further checking 22 sacks were found loaded in the back trolley of the pick-up from which the cannabis flowering (بهنگ غوزا) were recovered. The driver disclosed that the same is ownership of one Musa Khan s/o Khan Zadeen r/o District Khyber and that accused Musa Khan is his worker. He separated 10 grams of contrabands from each sack and sealed the same into parcels no. 1 to 22 for sending the same to FSL while the remaining sacks/ bags were sealed in parcels no. 22 to 23 by affixing 3/3 seals of monograms 'DB' over the same. Due to prevailing darkness video of the occurrence could not be prepared. The accused were arrested and their cards of arrest were issued and hence, the instant bail application.

- (4). Arguments heard and available record perused which shows that present accused/petitioner Noor Kama s/o Nowroz Khan was driving the vehicle in question from which 22 bags of cannabis dried green flowering, fruiting and leaves were recovered which comes under the definition of Narcotics as defined in section 2 (z) of the Control of Narcotics Substance Act, 2019. The driver being in control and possession of the vehicle was definitely in the knowledge about the presence of such a huge quantity of contrabands in the vehicle. The FSL report

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also shows that the contents of the parcels i.e., parcels no. 1 to 22 were subjected to physical and chemical analysis, which revealed that the "THE CONTENTS OF ALL THE ABOVE PARCELS WERE DRIED GREEN FLOWERING, FRUITING AND LEAVES OF CANNABIS PLANT". According to the prosecution the said contrabands was taking to District Khyber for extracting "CHARS" from the same. The driver also belongs to District Khyber where the alleged contrabands was being transported. No ill will or malafide on the part of police is alleged by the petitioner and their bail application. I am therefore, not inclined to release the accused/petitioners on bail. The same is dismissed. Requisitioned record be sent back. Copy of this order be placed on the judicial file while record of this court be consigned to record room within the stipulated time in accordance with law.

Announced
14.12.2024


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BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela