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

Bail Application No : 31/BA of 2024  
Date of Institution : 21.12.2024  
Date of Decision : 23.12.2024

SALEH KHAN VS THE STATE

ORDER NO. 03  
23.12.2024

DPP, Umer Niaz for the State present. Mr. Sana

Ullah Khan Advocate has sent written arguments.

Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Saleh Khan S/O Musa Khan, R/O Qaum Kamar Khel Afridi, presently Wach Pul Orakzai is seeking his post arrest bail in case FIR No. 25, Dated 20.04.2024, registered U/S 9-D CNSA, at Police Station Kalaya Orakzai.

3. Facts of the case are that, Shal Muhammad SHO sent Murasila through constable Saif Ullah, according to which he along with Constables Saif Ullah No. 1460, Wajid Ullah No. 320 and Jahanzeb HC in official vehicle, were present on barricade who were acting upon the information regarding smuggling of huge quantity of narcotics by Saleh Khan son of Musa Khan via motorcycle, where at about 1500 hours a motorcycle riding by two person were approaching towards the spot. The person sitting on rear seat was having a plastic sack in his lap, who upon seeing the police party turned their motorcycle and abandoned the

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motorcycle with said sack and made their escape good from the spot. The search of the sack led the complainant to the recovery of 7 packets of chars, each weighing 1000 grams (total of 7000 grams of chars). 10 grams from each slab of recovered contraband (Chars) were separated from each packet and closed in parcel No. 1 to 7 and sent to FSL for chemical examination, while remaining 6930 grams chars sealed into parcel No. 8. Video of the recovered chars was prepared through mobile phone which was converted into USB and sealed into parcel No. 9. Motorcycle Honda 125 without registration number, bearing Engine no. 64103 and chassis no. U27888 was also taken into possession by the complainant. Accused Saleh Khan was later on arrested and his card of arrest was prepared. Murasila along with card of arrest and recovery memo were sent to the PS through Constable Saif Ullah No. 1460 and hence, the instant FIR;

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4. Arguments heard and available record perused which shows that allegedly, the recovery of 7kg Chars have been made from the recovered bag which was allegedly thrown by the accused/petitioner along with other accused while making good their escape from the place of occurrence and the said recovery has been attributed to the present accused/petitioner even though no direct recovery has been made from the possession of accused/petitioner. The accused/petitioner has neither made any admission nor any

confession before the court of law. There is no previous record found of the accused to be involved in such like cases. The investigation officer has not traced the owner of motorcycle in question which was the only clue available with them for tracing the real culprits. The complainant has not disclosed his source that who disclosed the names of accused and his co-accused to him while conveying him spy information before the commission of offence which also makes the case of the accused/petitioner one of further inquiry. It is also yet to be determined that if the present accused/petitioner and his co-accused are involved in the commission of offence, then who was sitting on the rear seat and who was sitting on the driving seat at the time of occurrence. In these circumstances, I am inclined to accept the instant bail application and release the accused/petitioner on bail subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

**Announced**  
23.12.2024

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**BAKHT ZADA**

Additional Sessions Judge-I, Orakzai  
at Baber Mela