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BA No. 5/4 of 2025
ZIARAT GUL VS THE STATE
FIR No. 02, Dated 13.01.2025, u/s 9 (d) CNSA,
Police Station Kalaya
IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 5/4 of 2025
Date of Institution : 18.01.2025
Date of Decision : 21.01.2025

ZIARAT GUL VS THE STATE

ORDER

DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, **Ziarat Gul** s/o Toor Jan seeks his post-arrest bail in case FIR No. 02, Dated 13.01.2025, u/s 9 (d) of the Khyber Pakhtunkhwa CNSA of Police Station Kalaya, wherein, as per contents of FIR, the complainant, Shal Muhammad SHO accompanied by other police personnels during routine patrolling in official vehicle, were present on the spot; where at about 1200 hours, a silver colour Prado Jeep heading from Aka Khel District Khyber towards the picket, was stopped. The driver of the vehicle who disclosed his name as Ziarat Gul was disembarked but nothing incriminating was recovered during his personal search; however, the search of the vehicle led the complainant to the recovery of 30 packets of chars, wrapped with yellow colour scotch tape, each weighing 500 grams, making a total of 15000 grams, from a secret cavity made in the oil tank of the vehicle. Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that there is no previous history of the


21/01/25
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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accused/petitioner in such like cases and that the FSL report is not available on file.

4. On the other hand, learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence and huge quantity of chars has been recovered from his possession.

5. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged, attracts the prohibitory clause of section 497 CrPC. Moreover, sufficient material is available on file which reasonably connects the accused/petitioner with the commission of offence. Though the FSL report is not available on file but the samples have been transmitted to the FSL and as the case is in its initial stage; therefore, the same is yet awaited. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Consequently, for the stated reasons, bail petition in hand stands dismissed being meritless.

6. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

7. Copy of this order be placed on file police/judicial file.

8. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 21.01.2025



(SYED OBAINULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela