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BA No. 14/4 of 2025  
ASHIQ ALI VS THE STATE  
FIR No. 06, Dated 02.02.2025, u/s 9 (d) CNSA,  
Police Station Kurez

IN THE COURT OF SYED OBAIDULLAH SHAH,  
SESSIONS JUDGE/JUDGE SPECIAL COURT,  
ORAKZAI AT BABER MELA

Bail Application No. : 14/4 of 2025  
Date of Institution : 06.02.2025  
Date of Transfer-In : 12.02.2025  
Date of Decision : 12.02.2025

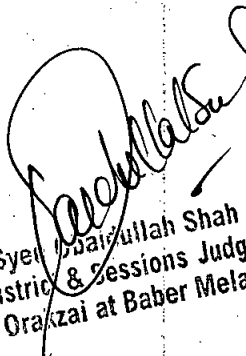
ASHIQ ALI VS THE STATE

ORDER

The instant bail petition requisitioned vide application submitted by Sana Ullah Khan Advocate. Registered.

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

3. Accused/petitioner, **Ashiq Ali** s/o Imdad Hussain seeks his post-arrest bail in case FIR No. 06, Dated 02.02.2025, u/s 9 (d) CNSA of Police Station Kurez, wherein, as per contents of FIR, the complainant along with other police officials during routine patrolling in an official vehicle set up a picket on the crime scene where at about 1630 hours a red colour motorcycle bearing Registration No. 8014 heading from Zeera towards the picket, was stopped. The motorcycle rider was searched after disembarking but nothing incriminating was recovered from him. However, a plastic bag fastened

  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

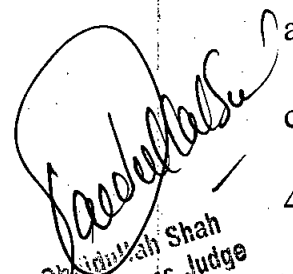
to the motorcycle's seat was searched which led the complainant to the recovery of 04 packets of chars, each weighing 1000 grams and wrapped in yellow colour scotch tape, totaling 4000 grams. Hence, the present FIR.

4. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case in order to absolve the real culprit, that the alleged occurrence has taken place on 02.02.2025 but the FSL report is yet not available on file, that there is no previous history of the accused/petitioner in such like cases.

5. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of offence and more than 01 kilogram of chars has been recovered from his possession.

6. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though 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; however, the FSL report is yet awaited to show that whether the recovered substance was

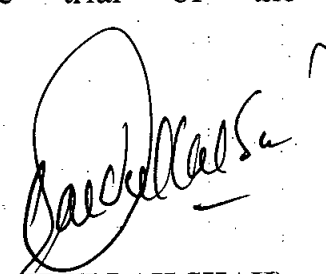
  
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actually chars or otherwise. Moreover, accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.

7. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
8. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
9. Copy of this Order be placed on police/judicial file.
10. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 12.02.2025



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