

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

Bail Application No. : 24/4 of 2025
Date of Institution : 24.03.2025
Date of Decision : 26.03.2025

ORDER

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

2. Accused/petitioner, **Rehmat Ullah** s/o Muhammad Gul seeks his post-arrest bail in case FIR No. 12, Dated 21.03.2025, u/s 9 (d) CNSA of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant, Muhammad Younas SHO along with other police personnel set up a picket on the crime scene where at about 1430 hours a suspicious person walking towards the picket, was stopped. A white colour plastic shopper was recovered holding by the aforesaid person in his underarm which led the complainant to the recovery of 1000 grams of chars. Hence, the present FIR.

3. 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 21.03.2025 but the FSL report is yet not available on file, that there is no previous history of the accused/petitioner in such like cases.

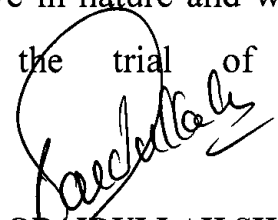
4. Learned DPP for the state put forward his arguments that the accused/petitioner was arrested on the spot for the commission of offence and recovery has been made from his possession.


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5. 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 has directly been charged in the FIR; however, this is strange to note that there is nothing available on file to elaborate that the test sample is actually sent to the FSL for chemical examination or otherwise, which makes it a case of further inquiry. As per available record, accused/petitioner has no history of his involvement in such like cases. The occurrence has allegedly taken place during broad daylight but no effort has been made to associate any witness from the public with the process of search or recovery. Furthermore, investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.
6. 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. 80,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
7. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
8. Copy of this Order be placed on police/judicial file.
9. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 26.03.2025




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