

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

Bail Application No. : 27/4 of 2025  
Date of Institution : 08.04.2025  
Date of Decision : 10.04.2025

ORDER

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

2. Accused/petitioner, **Haider Rehman** s/o Din Bat Khan seeks his post-arrest bail in case FIR No. 22, dated 23.03.2025, u/s 9 (d) CNSA of Police Station Kalaya, wherein as per contents of FIR, the complainant, Shal Muhammad SHO accompanied by other police personnel in official vehicle were present on the crime scene during routine patrolling, when at about 1310 hours a suspicious person walking on foot was stopped in order to conduct his personal search. From his trouser-fold, the complainant recovered 01 packet of chars, weighing 1000 grams and wrapped in yellow scotch tape. Hence, the present FIR.

3. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case to scot-free the actual culprit, that the alleged occurrence has taken place on 23.03.2025 but the FSL report is 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

  
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on the spot and the recovery has been made from his personal possession.

5. In light of the arguments advanced by 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 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. Moreover, the FSL report is yet awaited to show that whether the recovered substance was actually chars or otherwise. Accused/petitioner, after his arrest, has gone through the process of investigation but he has neither confessed nor admitted his guilt.

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. 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.

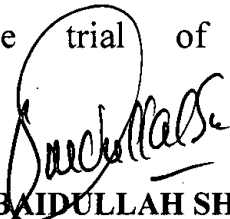
7. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

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

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

Dated: 10.04.2025



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