

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

Bail Application No. : 35/4 of 2025

Date of Institution : 10.04.2025

Date of Decision : 14.04.2025

JUMA KHAN VS THE STATE

ORDER

Sr. PP, Abul Qasim for the State and Aurangzeb Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Juma Khan** s/o Piao Khan seeks his post-arrest bail in case FIR No. 19, Dated 08.04.2025, u/s 9 (d) CNSA of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant accompanied by other police personnel were present on the crime scene during routine patrolling, where at about 1310 hours a suspicious person holding a red colour plastic bucket in his right-hand, was stopped. Nothing incriminating was recovered from his person search. However, the complainant recovered 1000 grams of chars from the aforesaid bucket. Hence, the present FIR.

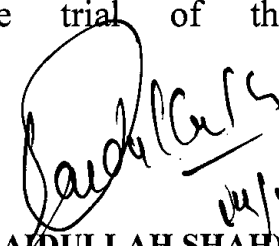
3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case in order to absolve the real culprit, that the alleged occurrence has taken place on 08.04.2025 but the FSL report is yet not available on file, that there is no previous history of the accused/petitioner in such like cases. In contrast, the prosecution argued that the accused/petitioner is directly nominated in the FIR and was arrested on the spot holding the contraband in his hand.


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4. In the light of arguments advanced by the prosecution 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 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.
5. 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.
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 police/judicial file.
8. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 14.04.2025




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