

IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

Bail Application No : 40/4 of 2025
Date of Institution : 25.04.2025
Date of Decision : 26.04.2025

Order No. 03
26.04.2025

Sr. PP, Abul Qasim for the State present. Mr.

Abid Ali Advocate for accused/petitioner present.

Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Abdullah S/O Wasil Khan R/O Qaum Ali Khel, Tappa Sher Khel, Upper Orakzai is seeking his post arrest bail in case FIR No. 23, Dated 23.04.2025, U/S 9 (d) CNSA, registered at Police Station Mishti Mela.
3. Facts of the case are that complainant Muhammad Younas SHO PS Mishti Mela sent Murasila to the PS through constable Fazal Hameed No. 1247 according to which on 23.04.2025 at 1600 hours on main road leading from Mishti Mela to Dabori, he along with constables Saleem Khan No. 1242, Fazal Hameed No. 1247 in a private vehicle present at barricade. In the meanwhile, a motorcycle riding by one person coming from Dabori side having blue colour plastic bag in his lap was stopped on suspicion. His search was conducted and nothing incriminating has been recovered from his possession and on search of blue colour plastic sack, 02 packets

Fazal
26-4-25
BAKHT ZADA
Addl. District & Sessions Judge-I,
Orakzai at Hangu

4
ABDULLAH VS STATE

BA No. 40/4

Chars were recovered. On weighing through digital scale, it came out to be 1500 grams and 1000 grams respectively out of which 10 grams were separated from each packet for FSL and packed and sealed into parcel No. 1 & 2, while the remaining quantity was combined and packed and sealed into parcel No. 3. Video of the occurrence was prepared by constable Fazal Hameed and saved the same in USB which was sealed into parcel No. 4. All the parcels were affixed with 3/3 monogram of "MY" and 01/01 seal of the same seal of monogram was put inside all the parcels. Motorcycle red colour bearing registration No. DEN-3574/Punjab, engine No. R165466, chassis No. EA-847674 was also taken into possession. The accused/petitioner disclosed his name as Abdullah S/O Wasil Khan, R/O Qaum Ali Khel, Upper Orakzai who was found to be involved to be in the commission of the offence. His card of arrest was issued. Murasila, recovery memo and card of arrest were sent through constable Fazal Hameed No. 1247 for registration of FIR and hence the instant FIR.

4. Arguments heard and available record perused which shows that the FSL report is not yet received to determine that whether the recovered contraband is Chars or otherwise, which makes the case of accused/petitioner is one of further inquiry. It is mentioned in the report that the accused was on motorcycle, but despite of straight road and visibility of the police officials from a quite considerable

Saker.
26.4.25
BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Hangu

distance, the accused/petitioner did not take u-turn despite of having alleged contraband chars in his possession which is against the natural conduct of a person and is not appealing to prudent mind in absence of solid evidence. I, therefore, accept the instant bail petition subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation.

Announced

26.04.2025

Bakht Zada
BAKHT ZADA

Additional Sessions Judge-I/JSC, Orakzai
at Baber Mela