

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
AT BABER MELA

Bail Application No. : 43/4 of 2025
Date of Institution : 26.05.2025
Date of Decision : 29.05.2025

ORDER

Sr. PP, Abul Qasim for the State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. I heard arguments and perused the record.

2. Accused/petitioner, **Abid** s/o Arab Khan seeks his post-arrest bail in case FIR No. 42, Dated 26.05.2024 registered u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 of Police Station Kalaya. As per contents of FIR, the complainant, Shal Muhammad SHO along with other police personnel, acting on information regarding smuggling of narcotics via motorcycle by accused Hayat Wali, Abid (accused/petitioner) and Majeed from Indara to Manzakhe Bara, set up a picket on the crime scene where at about 1030 hours two motorcycles carrying bags on way towards the picket were tried to stop by the complainant but they accelerated their motorcycles and the motorcyclist with two bags fell from the motorcycle, was picked up by the other motorcycle riders, abandoned the bags and made their escape good. The complainant found three bags on the crime scene wherefrom he recovered 14 packets of chars from each bag wrapped with yellow colour scotch tape, each amounted to 1000 grams, making a total of 42,000 grams of chars. Hence, the present FIR.


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3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR but he has not been arrested on the spot nor any recovery has been effected from his personal possession. Moreover, the occurrence has taken place on 26.05.2024 and the test samples have been transmitted to the FSL on 29.05.2024 with an unexplained delay of 04 days. Furthermore, the accused has neither confessed nor admitted his guilt during police custody. **Reliance is placed on the Judgment dated 28.08.2020 passed by the Hon'ble Peshawar High Court, Peshawar, in Cr.M (BA) No. 2597-P/2020.**
4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in 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.
5. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
6. Copy of this Order be placed on police/judicial file.
7. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 29.05.2025



(HAQ NAWAZ)

Sessions Judge/Judge Special Court,
Orakzai at Baber Mela