

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

Bail Application No. : 21/4 of 2025
Date of Institution : 20.02.2025
Date of Decision : 27.02.2025

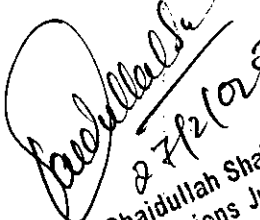
ABDULLAH VS THE STATE

ORDER

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

2. Accused/petitioner, **Abdullah** s/o Shaheed Khan seeks his post-arrest bail in case FIR No. 14, Dated 14.02.2025, u/s 9 (d) CNSA of Police Station Kalaya, wherein, as per contents of FIR, the complainant, Shal Muhammad SHO with other police personnel were on routine patrolling on the spot where at about 1740 hours, a person was intercepted who revealed his identity as Abdullah, the present accused/petitioner. The accused/petitioner was wearing a jacket with four pockets and upon search of the jacket, the complainant found 03 packets of chars in each pocket. Each packet, upon weighment, turned 1000 grams, totaling 12,000 grams. 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 actual perpetrator, that there is no previous history of the accused/petitioner in such like cases, that the FSL report is not available in the case file. In



27/2/2025
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

(4)
BA No. 21/4 of 2025
ABDULLAH VS THE STATE
FIR No. 14, Dated 14.02.2025, u/s 9 (d) CNSA,
Police Station Kalaya

contrast, learned DPP put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence and huge quantity of chars has been recovered from his possession.

4. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though accused/petitioner has been shown smuggling a huge quantity of chars; however, this is strange to note that despite lapse of more than ten days, the FSL report has not been received so as to determine that whether the alleged recovered contraband was actually the chars or otherwise, which makes it a case of further inquiry. According to the Form-B, the accused/petitioner is of the age of 15 years and 11 months, who also deserves his release on bail being a juvenile. Thus, he comes under the definition of "Child" under section 2 (b) of the Juvenile Justice System Act 2018. Section 6 (3) of the ibid Act deals with the release of a juvenile accused on bail. As the august Peshawar High Court, Peshawar denotes in a **Cr.M BA No. 2800-P/2023** where bail has been granted to accused from whose possession 18000 grams chars were recovered. As per available record, accused/petitioner has no history of his involvement in such like cases.

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. 200,000/- with two sureties each in the like


5.
27/2/2025
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

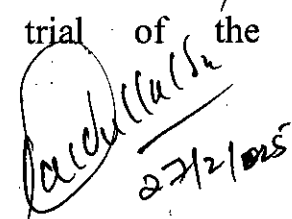
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BA No. 21/4 of 2025
ABDULLAH VS THE STATE
FIR No. 14, Dated 14.02.2025, u/s 9 (d) CNSA,
Police Station Kalaya

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 judicial/police file.
8. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 27.02.2025


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

