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BA No. 115/4

NABEEL KHAN VS THE STATE

FIR No. 65, Dated 30.07.2025, u/s 11 (1) 4 CNSA,
Police Station: Mishti Mela


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

Bail Application No. : 115/4 of 2025
Date of Institution : 22.08.2025
Date of Decision : 27.08.2025

ORDER

Mukhtar Ali and Abid Ali Advocates for accused/petitioner and Sr. PP, Abul Qasim for the State present. Record received. I heard arguments and perused the record.

2. Accused/petitioner, **Nabeel Khan** s/o Mast Khan, after being refused to be released on bail vide Order dated 20.08.2025 passed by the learned Judicial Magistrate-II, Tehsil Court Kalaya, seeks his post-arrest bail in case FIR No. 65, Dated 30.07.2025 registered u/s 11 (1) 4 CNSA of Police Station Mishti Mela. As per contents of FIR, the complainant, Muhammad Younas SHO along with other police contingents, during surveillance duty of the area, received information regarding peddling of narcotics through a Vitz Motorcar from Dara Hassanzai towards Mishti Mela Bazar. Upon this information, the complainant set up a picket on the spot on 30.07.2025 when a silver colour Vitz motorcar arrived there at 2200 hours. The motorcar was stopped which was boarded by two persons. The driver revealed his identity as Nabeel Khan whereas the front seater disclosed his name as Muhammad Raziq. They were disembarked. The complainant recovered 58 grams of ICE from the side pocket of the accused Muhammad Raziq. Similarly, the complainant also recovered a plastic shopper from a


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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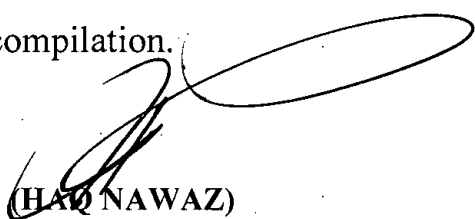
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secret cavity inside the front door of the motorcar. From the said shopper, 288 grams of ICE was recovered by the complainant. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and 388 grams of ICE has been recovered in the instant case, but as per the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2025, the offence does not attract the prohibitory clause of section 497 Cr.P.C. Moreover, the report of FSL is not available on file to show that whether the recovered substance was actually ice or otherwise.
4. Hence, in view of what is discussed above, the accused/petitioner is admitted to bail subject to submission of bail bonds to the tune 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. Copy of this Order be placed on police/judicial file. File of this Court be consigned to record room after its necessary completion and compilation.

Announced:
27.08.2025



(HAQ NAWAZ)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela