

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

Bail Application No. : 197/4 of 2025

Date of Institution : 10.12.2025

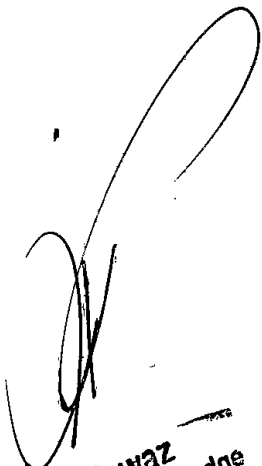
Date of Decision : 10.12.2025

ORDER

Bail Application received from the Court of learned SCJ/JM, Orakzai. It be registered.

2. Counsel for the accused/petitioner and Sr. PP, Abul Qasim for the State present. Record is already pending before the undersigned in connected bail petition. Arguments heard and record perused.

3. Accused/petitioner, **Bahrain** s/o Khan Muhammad seeks his post-arrest bail in case FIR No. 97, Dated 26.11.2025 registered u/s 11 (1) 5 CNSA of Police Station Mishti Mela. As per contents of FIR, the complainant, SHO Shal Muhammad along with other police contingents were present on a barricade during surveillance duty of the area on 26.11.2025 when a motorcycle, boarded by three persons, arrived there at about 1630 hours. The motorcycle was riding by Waseem Akram who was wearing a sweater. The motorcycle was stopped. He was disembarked and the complainant recovered a plastic shopper from a pocket of his sweater. From the said shopper, the complainant recovered 100 grams of ICE. The complainant also recovered a plastic shopper from the side pocket of the other person and 100 grams of ICE was found therein. He disclosed his name as Hazrat Bilal.


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Likewise, a plastic shopper was recovered by the complainant from the side pocket of the third person wherein 500 grams of ICE was found. He revealed his identity Bahrain Khan. Hence, the present FIR.

4. After hearing both the parties and perusal of the record, it was found that though the accused/petitioner is directly nominated for the commission of offence. However, 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. The report of FSL is not available on file to show that whether the recovered substance was actually ice or otherwise. These facts make the case one of further inquiry.

5. Hence, in view of what is discussed above, the accused/petitioner is admitted to bail subject to submission of bail bonds to the tune Rs. 50,000/- 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. 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:
10.12.2025

(HAQ NAWAZ)

Sessions Judge/Judge Special Court,
Orakzai at Baber Mela