

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

Bail Application No. : 3/4 of 2026

Date of Institution : 03.01.2026

Date of Decision : 09.01.2026

ORDER

Sana Ullah Khan Advocate for accused/petitioner and Sr. PP, Abul Qasim for the State present. Arguments already heard and record perused.

2. Accused/petitioner, **Muhammad Abid** s/o Nawab Khan seeks his post-arrest bail in case FIR No. 146, Dated 24.12.2025 registered u/s 9 (1) 3 (e) CNSA of Police Station Kalaya. As per contents of FIR, the complainant, SHO Muhammad Jameel along with other police contingents, during surveillance duty of the area, were present on main road leading from Chapri Feroz Khel to Kohat on 24.12.2025 when a Honda-125 motorcycle, boarded by two persons with bags in between them, arrived there from Chapri Feroz Khel at 1100 hours who on spotting the police party tried to escape and stopped after covering some distance. The pillion passenger made his escape good from the spot while the rider of the motorcycle was overpowered. He disclosed his identity as Muhammad Abid s/o Nawab Khan whereas he revealed the identity of the other person as Farid Khan s/o Bahadar Khan. The complainant recovered 05 packets of chars, wrapped in yellow scotch tape and weighing 1200 grams from one bag and 10 packets of chars, wrapped in yellow scotch tape and weighing 1200 grams from the other bag. The accused/petitioner revealed the ownership of the first

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bag while the co-accused was stated to be the owner of the other bag. Hence, the present FIR.

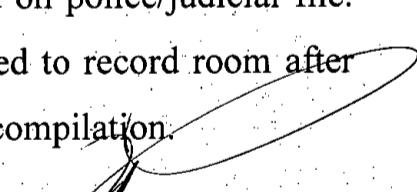
3. After hearing both the parties and perusal of the record, it was found that a huge quantity of chars has been recovered from the bags, which was in between the petitioner and absconding co-accused while riding the motorcycle at the relevant time and thus the same is *prima facie* to be considered in his conscious knowledge. The offence is punishable with imprisonment for life; thus, the same falls within the prohibitory clause of section 497 CrPC. The learned counsel for the petitioner submitted a copy of birth certificate of the accused/petitioner and submitted that he is a juvenile. Section 6 (3) of the Juvenile Justice System Act, 2018 provides for concession of bail to the accused under the age of 16 years in minor and major offences. However, no such concession is provided under the said section in a heinous offence like the present case. All these facts disentitle the accused/petitioner from the concession of bail at this stage of the case. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

4. 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:

09.01.2026


(HAQ NAWAZ)

Sessions Judge/Judge Special Court,
Orakzai at Baber Mela