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

Bail Application No.	:	36/4 of 2026
Date of Institution	:	14.02.2026
Date of Decision	:	17.02.2025

ORDER

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

2. Accused/petitioner, **Syed Mujahid Ali** s/o Syed Kamil Hussain seeks his post arrest bail in case FIR No. 09, Dated 02.02.2026, u/s 9 (1) 3 (c) CNSA & 15AA of Police Station Kurez Boya. As per contents of FIR, the complainant, SHO Hajat Hassan along with other police contingent, during surveillance duty of the area and acting on spy information, laid barricade on the spot on 02.02.2026 when a motorcar bearing No. SA-615/Islamabad arrived there at 1540 hours. The vehicle was stopped and the driver was embarked. The complainant recovered a folding-buttstock Kalashnikov bearing No. 25822 with a fixed charger containing 18 live rounds of 7.62 bore. The complainant, as per spy information, opened a secret cavity beneath the driving seat of the vehicle with a Screw Rench and recovered 12 packets of

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chars each wrapped in yellow scotch tape and weighing 1000 grams. He also recovered 12 packets of chars each wrapped in yellow scotch tape and weighing 1000 grams from a secret cavity beneath the front seat of the vehicle opened with a Screw Rench. Hence, the present FIR.

3. After hearing both the parties and perusal of the record, it was found that the accused/petitioner is directly charged in the FIR for the commission of offence falling within the prohibitory clause of section 497 CrPC. The recovery of 24000 grams of chars was effected from the vehicle which was driving by the accused/petitioner at the relevant time and thus the same was presumably in his conscious knowledge. During the course of arguments, the learned defense counsel referred to a document with a title "HANDING/TAKING OVER CERT – 235W OS" annexed with the bail petition. According to which, the accused/petitioner was handed over by 235 Wing Orakzai Scouts to SI Islam Ali on 01.01.2026 with details of items recovered from him with no mention of narcotics. However, the said document has neither been produced during the production of the petitioner before the Court of Judicial Magistrate for obtaining his physical custody nor

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he disclosed the said fact at the time of his production before the court of Judicial Magistrate.

4. In such circumstances, the petitioner is not entitled to the concession of bail at this stage of the case. Therefore, the application is rejected.

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:
17.02.2026

(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela