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

Bail Application No.	:	28/4 of 2026
Date of Institution	:	09.02.2026
Date of Decision	:	19.02.2026

ORDER

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

2. Accused/petitioner, **Syed Rasool** s/o Itbar Jan seeks his post-arrest bail in case FIR No. 08, Dated 03.02.2026 registered u/s 9 (1) 3 (d) CNSA of Police Station Mishti Mela. As per contents of the FIR, the complainant, SHO Shal Muhammad along with other police contingent, during surveillance duty of the area, were present on Main Kacha Road leading from Mishti Mela to Kadda Bazar at Kach Mela on 03.02.2026 when a person wearing a shawl was going towards Kadda Bazar at 1550 hours who was carrying a white bag under the shawl in his armpit. He was stopped. From the said bag, the complainant recovered 8000 grams of chars. Hence, the present FIR.

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

3. After hearing both the parties and perusal of the record, it was found that though the accused/petitioner is directly nominated in the FIR

and the offence for which he is charged attracts the prohibitory clause of section 497 Cr.P.C. However, the samples were separated for chemical analysis on 03.02.2026 at the time of occurrence while the same were sent to FSL on 09.02.2026 with an unexplained delay of 07-days. The unreasonable delay in the present case could be considered at the time of deciding the bail, which made the case of the petitioner one of further inquiry. The FSL report is also not available on file to show that whether the recovered substance was actually chars or otherwise. Reliance is made on **2024 SCMR 913**.

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:
19.02.2026

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