

DUNIYA GUL VS STATE 3

FIR no. 19, dated 10.05.2025, u/s 9(d) CNSA, PS Kurez Boya.

**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-
I, ORAKZAI AT BABER MELA**

Bail Application No : 62/04 of 2025
Date of Institution : 21.05.2025
Date of Decision : 22.05.2025

ORDER No. 03
22.05.2025

Sr. PP, Abul Qasim for the State present.

Accused/petitioner through counsel Mr. Sanaullah Khan Advocate present. Record received.

(2). Accused/petitioner, Duniya Gul S/O Gul Zaman, R/O Qaum Aka Khel, Bara, District Khyber is seeking his post arrest bail in case FIR No. 19, dated 10.05.2025, u/s 9(d) CNSA of police station Kurez Boya, District Orakzai.

(3). Facts of the case are that complainant Aftab Hassan SHO PS Kurez Boya, sent a Murasila and recovery memo through constable Raheem Ali No. 492 wherein it is alleged that on 10.05.2025, at 1030 hours, he along with constables Raheem Ali, Junaid Ali No. 1607 in a private vehicle driven by driver Shehzad Ali No. 675 were on gasht. During gasht, upon reaching the place of occurrence i.e., Ghodzara road, two persons having bags on their shoulders were on their way towards Ghodzara. After seeing the police vehicle, they tried to make their escape good, but they were overpowered smartly. The first person disclosed his name as Syed Gul S/O Mewa Gul. On checking the red colour sack belonging to first person, 06 packets of chars wrapped in yellow scotch tape were recovered, which were

Sade 22.5.25
BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu

4

DUNIYA GUL VS STATE

FIR no. 19, dated 10.05.2025, u/s 9(d) CNSA, PS Kurez Boya. weighed through digital scale, each packet came out to be 1000/1000grams making the total of 6000 grams. 10/10 grams chars were separate through sharp object and sealed into parcels No. 1 to 6 for sending the same to FSL for chemical analysis, while the remaining quantity of chars 5940 grams along with empty sack were sealed into parcel No. 7. The second person disclosed his name as Duniya Gul S/O Gul Zaman, R/O Qaum Aka Khel, Bara, District Khyber. His body search was conducted, but nothing incriminating was recovered from his possession and on checking the yellow colour sack belonging to second person (Duniya Gul/accused/petitioner), 06 packets chars wrapped in yellow scotch tape were recovered which were weighed through digital scale, each packet came out to be 1000/1000grams making the total of 6000 grams. 10/10 grams chars were separate through sharp object and sealed into parcels No. 8 to 13 for sending the same to FSL for chemical analysis, while the remaining quantity of chars 5940grams were sealed into parcel No. 14. Video of the occurrence was prepared, converted into USB and sealed the same into parcel No. 15. All the parcels were affixed with seal monogram of "AH", while 01/01 seal of the same monogram was put inside each parcel. Both the accused were found to be involved in the commission of the offence, they were arrested and their joint card of arrest was issued. Murasila, recovery memo and card of arrest were

Saeed
22-5-25
BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu

5
DUNIYA GUL VS STATE

FIR no. 19, dated 10.05.2025, u/s 9(d) CNSA, PS Kurez Boya.
handed over to constable Raheem Ali No. 492 for
taking the same to PS for registration of FIR.

- (4). Arguments heard and available record perused. The allegations against the present accused/petitioner are that he was arrested while transporting 6000 grams of Chars. The recovery of huge quantity has been made by the seizing officer. The report shows that the video of the occurrence is also prepared at the spot. There is no ill will of the police against the accused/petitioner. Therefore, I am not inclined at this stage to release him on bail. The instant bail petition being devoid of merits is hereby dismissed. Requested record be returned back to quarter concerned. Copy of this order be placed on police record while file of this court be consigned to record room.

Announced
22.05.2025

Saved 22.5.25

BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela