

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

Bail Application No : /4 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. Mr.

Sana Ullah Khan Advocate for accused/petitioner present.

2. The accused/petitioner namely, Akhter Gul S/O Malang Jan, R/O Quom Stori Khel, Lower District Orakzai is seeking his post arrest bail in case FIR No. 52, Dated 19.05.2025, registered U/S 9(1) 3 (d) CNSA, registered at Police Station Kalaya.

3. Facts of the case are that, Shal Muhammad SHO has sent Murasila through constable Wajid Ullah No. 320, according to which on 19.05.2025, he along with Constables Muhammad Irshad No. 336, Wajid Ullah No. 320, Tayab Khan No. 2188 and driver Muhammad Ayaz No. 1348 in official vehicle were on gasht. During gasht he received information from the informer regarding the smuggling of huge quantity of chars in a flying coach towards Bara. Upon the said information, he along with police nafri made barricade on main metaled road situated at Mandra Khel CP. In the meanwhile, at 1430 hours, a flying coach blue colour coming from Headquarter side was stopped for checking and driver of the flying coach was

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deboarded, who disclosed his name as Akhtar Gul S/O Malak Jan, R/O Qaum Stori Khel. His personal search was conducted and 01 packet chars wrapped in yellow scotch tape was recovered. On weighing through digital scale, it came out to be 1000 grams. 10 grams chars were separated for the purpose of sending it to FSL and sealed into parcel No. 1, while the remaining quantity of chars 990 grams were sealed into parcel No. 2. Further, on second seat of the flying coach, two ladies were sitting who were also deboarded and one of the ladies disclosed her name as Zeenat Bibi W/O Fazal R/O Speen Qabar, District Khyber. Her search through a private lady was conducted and 02 packets chars from her badda shalwar were recovered which were weighed through digital scale and each packet came out to be 1000/1000 grams, making the total of 2000 grams. 10 grams were separated for the purpose of sending it to FSL and sealed into parcel No. 3 & 4, while remaining quantity of chars 1980 grams were sealed into parcel No. 5. Similarly, second lady disclosed her name as Qadar Jana W/O Faiz Muhammad, R/O Qamar Din Garhi, Peshawar. Her search through a private lady was conducted and 02 packets chars from her badda shalwar were recovered which were weighed through digital scale and each packet came out to be 1000/1000 grams, making the total of 2000 grams. 10 grams were separated for the purpose of sending it to FSL and sealed into parcel No.

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6 & 7, while remaining quantity of chars 1980 grams were sealed into parcel No. 8. Video of the occurrence was prepared, converted into USB and sealed the same into parcel No. 9 All the parcels were affixed with the seal monogram of "SH", while 01/01 seal of the same monogram was put inside each parcel. Flying coach bearing No. EA-3380, blue colour without documents along with CNIC of accused Akhtar Gul was taken into possession and accused named above being found in involvement in the commission of the offence were arrested and their joint card of arrest was issued. On cursorily interrogation, accused disclosed that recovered chars were purchased from one Khan Muhammad S/O Munawar Gul Qaum Afridi. Murasila was handed over to the constable Wajid Ullah No. 320 for taking the same to PS for registration of the case.

4. Arguments heard and available record perused which shows that allegedly 01kg Chars has been recovered from the personal possession of accused/petitioner, but neither any FSL report regarding the same has yet been received nor the copy of extract of the register no.19 is available in the case file. In absence of the FSL report, the case of accused/petitioner is one of further inquiry. In these circumstances, I am inclined to accept the instant bail application and release the accused/petitioner on bail subject to submission of bail bonds in the sum of Rs. 80,000/- with two sureties each, each in the like

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amount to the satisfaction of court. The sureties must be local, reliable and men of means.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

Announced
22.05.2025

Qaxer / 22.5.25

BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela