

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

Bail Application No : /4 of 2025
Date of Institution : 24.05.2025
Date of Decision : 26.05.2025

ORDER NO. 03
26.05.2025

Sr. PP, Abul Qasim for the State present. Mr.

Khurshheed Alam Advocate for accused/petitioner
present. Record received.

2. The accused/petitioner namely, Akram Khan s/o
Sayed Khan R/O Aka Khel Tehsil Bara, District
Khyber is seeking his post arrest bail in case FIR No.
21, Dated 18.05.2025, registered U/S 9 (1) 3 (e)
CNSA, registered at Police Station Kurez.

3. Facts of the case are that, Aftab Hassan
SHO has sent Murasila through constable Baqir Ali no.
592, according to which on 18.05.2025, near Ghodzara
Check Post, he along with Constables Raheem Ali no.
492, Baqir Ali no. 592 along with driver Shahzad Ali
no. 675 in private motorcar were on gasht. During
Ghast, an informer informed that three persons in a
group form are going to smuggle narcotics from
Shadalow to Bara, District Khyber. Upon the said
information, the local police made barricade at the
place of occurrence. In the meanwhile, a Fly-coach
bearing no. LZB8811, red colour was stopped for
checking, in which three person wearing Burka were
seated in the second seat of the vehicle. They were
deboarded from the vehicle, who were actually male

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persons. First person disclosed his name as Sarfaraz S/O Faqir Gul r/o Qoum Aka Khel, tehsil Bara district Khyber, whose search was conducted but nothing incriminating was recovered. On checking the Shawl in his left hand, 08 packets chars wrapped in yellow scotch tape were recovered, which were weighed through digital scale and each packet came out to be 1000/1000 grams, making the total 8000 grams. 10/10 grams chars were separated with sharp object from each packet and packed and sealed into parcels No. 1 to 08, while the remaining 7920 grams chars along with Shawl were sealed into parcel No. 09 and Burka in Khar colour was sealed into parcel no.10. Second person disclosed his name as Akram Khan S/O Sayed Khan r/o Qoum Aka Khel, Tappa Maroof Khel, tehsil Bara district Khyber, whose search was conducted but nothing incriminating was recovered. On checking the cloth sack in his hand, 06 packets chars wrapped in yellow scotch tape were recovered, which were weighed through digital scale and each packet came out to be 1000/1000 grams, making the total 6000 grams. 10/10 grams chars were separated with sharp object from each packet and packed and sealed into parcels No. 11 to 16, while the remaining 5940 grams chars along with cloth sack, blue grey mix colour were sealed into parcel No. 17 and Burka was sealed into parcel no.18. Third person disclosed his name as Muhammad Asad s/o Abdul Khaliq r/o Bara district

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Khyber, whose search was conducted but nothing incriminating was recovered. On checking the cloth sack in his hand, 08 packets chars wrapped in yellow scotch tape were recovered, which were weighed through digital scale and each packet came out to be 1000/1000 grams, making the total 8000 grams. 10/10 grams chars were separated with sharp object from each packet and packed and sealed into parcels No. 19 to 26, while the remaining 7920 grams chars along with cloth sack, blue grey mix colour were sealed into parcel No. 27. Burka was sealed into parcel no.28. Video of the occurrence was prepared through mobile phone which was converted into USB and sealed into parcel No. 29. 1/1 seal with monogram "AH" was placed in each parcel and 3/3 monogram seals were affixed on each parcel. They were arrested and their joint card of arrest was issued. Murasila along with recovery memo and card of arrest were sent to the PS and hence, the above-mentioned FIR was registered.

4. Arguments heard and available record perused which shows that huge quantity of Chars weighing 6000 grams has been recovered from the direct possession of the accused/petitioner. The recovery memo and site plan are supporting the prosecution version. Bail applications are to be decided by the courts on the basis of tentative assessment of material placed before the court and no exhaustive appraisal thereof is permissible. Legality and technicality of

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procedure was not to be dealt with in-depth while deciding the bail application. There is no ill will or enmity of police with the accused/petitioner. The present circumstances and facts of the case prima facie connect the accused/petitioner with the commission of offence.

5. Hence, the accused/petitioner is not entitled for the concession of bail at this stage. Accordingly, for the stated reasons, bail petition in hand stands dismissed being meritless.

6. Copy of this order be placed on police/judicial file. File be consigned to the record room after its necessary completion and compilation while record be return back to the quarter concerned.

Announced
26.05.2025

Done 26.5.25

BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela