

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

Bail Application No : 63/4 of 2025
Date of Institution : 21.05.2025
Date of Decision : 23.05.2025

ORDER No. 04
23.05.2025

Sr. PP, Abul Qasim for the State present. Mr.
Sanaullah Khan Advocate for accused/petitioner
present. Record received.

2. The accused/petitioner namely, Hashmat Ullah
S/O Sultan Habib, R/O Qaum Mishti, Tappa Haider
Khel, Village Gor Khel, District Orakzai is seeking his
post arrest bail in case FIR No. 36, Dated 18.05.2025,
registered U/S 9-D CNSA, registered at Police Station
Mishti Mela.

3. Facts of the case are that, Muhammad Younas
sent Murasila through constable Fazal Hameed No.
1247 according to which, on 18.05.2025 at 1400 hours
on main road leading from Mishti Mela to Kalaya
situated at Sangrha, he along with constables Fazal
Hameed No. 1247, Saleem Khan No. 1242 and Driver
Sami Ul Haq No. 1349 were present on barricade. In
the meanwhile, a motorcycle coming from Mishti side
was having in possession one sack on the oil tank of
motorcycle was stopped and driver of the motorcycle
was deboarded. His body search was conducted, but
nothing incriminating was recovered from his
possession. On checking the sack, chars were

Sanaullah Khan
23.5.25
BAKHT ZADA
Addl. Dist. & Sessions Judge
Orakzai at Hangu

recovered from a plastic bag inside the sack, which were weighed through digital scale and came out to be 4000 grams chars. 10 grams chars were separated for FSL and sealed into parcel No. 1 for chemical examination; while remaining 3990 grams chars were sealed into parcel No. 2. Video of the occurrence was prepared on the mobile phone of the SHO through Constable Fazal Hameed No. 1247 which was converted into USB and sealed into parcel No. 3. One stamp of "MY" was put inside each parcel, while 03/03 stamps were affixed on the parcel. Motorcycle red colour made C-70, bearing No. S.6042A, engine No. HKFOVE.4671, chassis No. HKF-HFB.1985 was taken into possession. The person disclosed his name as Hashmat Ullah S/O Sultan Habib, R/O Qaum Mishti, Tappa Haider Khel, Village Gor Khel, who was found to be involved in the commission of offence. He was arrested at the spot. His card of arrest was prepared. Murasila along with card of arrest and recovery memo were sent to the PS for registration of instant FIR;

4. Arguments heard and available record perused

which shows that allegedly 4000 grams chars have been recovered from the sack lying upon the fuel tank of the motorcycle of the accused/petitioner. The FSL report has not yet received to determine that whether the recovered article was chars or otherwise. The petitioner is neither owner of the motorcycle nor any

Fazal
23.5.25
BAKHT ZADA
Adm. Secy. Sessions Judge-1
Gorzarai Hangu

Hashmat Ullah Vs State

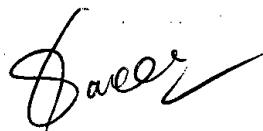
FIR NO. 36, Dated: 18.05.2025, U/S 9-D KP CNSA, PS Mishti Mela

driving license has been recovered from him. Extract of the register-19 is not available on the case file. Furthermore, no independent witness has been associated by the police despite of the fact that a line of shops has been shown in the site plan at the place of occurrence. The offence for which the accused/petitioner is charged carries 14 years imprisonment.

5. In view of the above, the case of accused/petitioner in absence of FSL report being one of further inquiry makes him entitled for the concession of bail. I, therefore, accept the instant bail application. Accused/petitioner be released on bail subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

6. 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 back to the quarter concerned.

Announced
23.05.2025



BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela