

(3)

KHABIB UL AZIZ VS THE STATE
FIR NO. 12, 21/05/2025, U/S 9 (3) (c) CNSA, PS GHILJO

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
26.05.2025

Sr. PP for the State present. Mr. Noor Mir Jan

Orakzai Advocate for accused/petitioner present.

Record received.

2. The accused/petitioner namely, Khabib Ul Aziz S/O Mir Sahib Khan R/O Algarhi Meta Khel, District Karak is seeking his post arrest bail in case FIR No. 12, Dated 21.05.2025, registered U/S 9 (3)(c) KP CNSA, registered at Police Station Ghiljo.

3. Facts of the case are that, Imtiaz Khan SHO sent Murasila through constable Muhammad Atif no. 2176 according to which he along with constables Zakariya Khan no.776, Muhammad Hanif 1801, Atif no. 2176 along with driver were in official vehicle were on gasht near Khadizai Chowk Dabori road. In meanwhile, a Honda motorcycle 125 CC black colour bearing registration no.3989 coming from Dabori side was stopped being suspicion and his body search was conducted, but nothing incriminating was recovered. On checking the motorcycle, three packets' chars wrapped in yellow scotch tape were recovered from the secret cavity made under the seat. On weighing through digital scale, each packet came out to be


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1200/1200 grams making the total of 3600 grams. 10/10 grams were separated from each packet and sealed in parcel No. 1 to 3 for FSL for chemical examination; while remaining chars were sealed into parcel No. 4. Video of the recovered chars was prepared on the mobile phone through Constable Hanif Ulla which was converted into USB and sealed into parcel No. 5. One stamp of "GJ" was put inside the parcel, while 3/3 stamps was affixed on the parcel. The person disclosed his name as Khabib Ul Aziz s/o Mir Sahib Khan R/O Algarhi, Meta Khel District Karak, 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 the accused/petitioner is charged for having 3600 grams of chars in his possession. The perusal of FIR shows that the recovery has been made by the seizing officer Imtiaz Khan, but the monogram used in the seal is GJ which does not stands for the name of seizing officer, furthermore, no FSL has yet been received to prove that the recovered article was chars or otherwise which makes the case of accused/petitioner one of further inquiry. I, therefore, accept the instant bail application. Accused/petitioner be released on bail subject to submission of bail bonds


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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.

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 back to the quarter concerned.

Announced

26.05.2025



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Additional Sessions Judge-I, Orakzai
at Baber Mela