

BA No. 20/4 of 2025
 ZAHEER ALI VS THE STATE
 FIR No. 10, Dated 15.02.2025, u/s 9 (d) CNSA,
 Police Station Kurez

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 20/4 of 2025
 Date of Institution : 20.02.2025
 Date of Decision : 27.02.2025

ZAHEER ALI VS THE STATE

ORDER

DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. Accused/petitioner, **Zaheer Ali** s/o Ajmeen Hassan seeks his post-arrest bail in case FIR No. 10, Dated 15.02.2025, u/s 9 (d) CNSA of Police Station Kurez, wherein, as per contents of FIR, the complainant Islam Ali ASHO along with other police personnel during routine patrolling in an official vehicle were present on the spot, where at about 1200 hours, a motorcycle carrying two persons arrived there who attempted to turn the motorcycle but were overpowered. A blue colour bag placed in between them was searched by the complainant wherefrom he recovered 13 packets of chars, each weighing 1000 grams and wrapped in yellow colour scotch tape, making a total of 13,000 grams. The motorcyclists revealed their identities as Waqas Haider and Zaheer Ali (accused/petitioner). Hence, the present FIR.

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case in order to absolve the actual perpetrator, that there is no previous history of the accused/petitioner in such like cases, that the

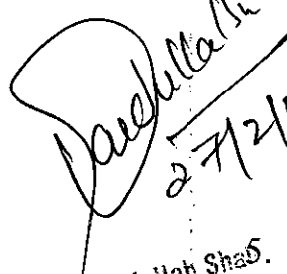
Syed Obaidullah Shah
 27/2/25
 District & Sessions Judge
 Orakzai at Baber Mela

(4)

BA No. 20/4 of 2025
ZAHEER ALI VS THE STATE
FIR No. 10, Dated 15.02.2025, u/s 9 (d) CNSA,
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FSL report is not available in the case file. In contrast, learned DPP put forward his arguments that the accused/petitioner was arrested on the spot for the commission of heinous offence and huge quantity of chars has been recovered from his possession.

4. In the light of arguments advanced by the DPP and counsel for the accused/petitioner, record gone through which shows that though accused/petitioner has been shown transporting a huge quantity of chars on a motorcycle, however, this is strange to note that despite lapse of more than ten days, the FSL report has not been received so as to determine that whether the alleged recovered contraband was actually the chars or otherwise, which makes it a case of further inquiry. According to the card of arrest and Form-B, the accused/petitioner is of the age of 16 years and 09 months, who also deserves his release on bail being a juvenile. Besides, a letter of Learning Inter College also provides that he is a student of class 12th; therefore, refusal of bail would stake his future. Thus, he come under the definition of “**child**” under section-2(b) of the Juvenile Justice System Act 2018. Section 6(3) of the ibid Act deals with the release of a juvenile accused on bail. As the august Peshawar High Court, Peshawar denotes in a **Cr.M** BA No. 2800-P/2023 where bail has been granted to accused from whose possession 18000 grams chars were recovered. As per available record, accused/petitioner has no history of his involvement in such like cases.


27/2/25
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

Hence, in view of what is discussed above, bail petition in hand stands accepted and the

5
BA No. 20/4 of 2025
ZAHEER ALI VS THE STATE
FIR No. 10, Dated 15.02.2025, u/s 9 (d) CNSA,
Police Station Kurez

accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

6. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
7. Copy of this Order be placed on judicial/police file.
8. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 27.02.2025



(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela