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BA No. 19/4 of 2025
WAQAS HAIDER 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. : 19/4 of 2025
Date of Institution : 20.02.2025
Date of Decision : 27.02.2025

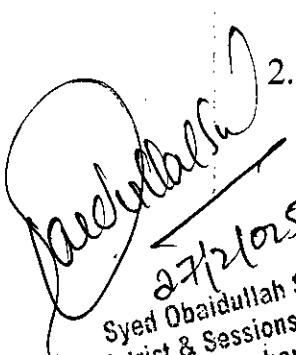
WAQAS HAIDER VS THE STATE

ORDER

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

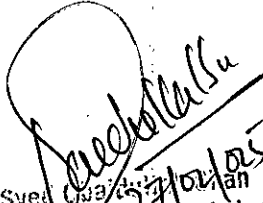
2. Accused/petitioner, **Waqas Haider** s/o Muntazir Ali seeks his post-arrest bail in case FIR No. 10, Dated 15.02.2025, u/s 9 (d) CNSA of Police Station Kurez, wherein, as per contents of FIR, the complainant Islam Ali ASHO along with other police personnel during routine patrolling in an official 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 (accused/petitioner) and Zaheer Ali. Hence, the present FIR.

2. 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


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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.

3. 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 15 years and 11 months, who also deserves his release on bail being a juvenile. Besides, school documents also provides that he is a student of intermediate; 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.


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

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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.

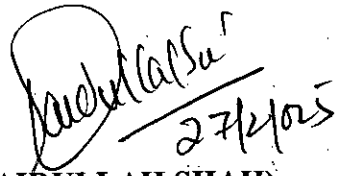
5. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

6. Copy of this Order be placed on judicial/police file.

7. 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