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IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
AT BABER MELA

Bail Application No.	:	274/4 of 2026
Date of Institution	:	20.11.2026
Date of Decision	:	21.11.2026

ORDER

Sr. PP, Abul Qasim for the state present. Arguments on behalf of petitioner already heard while arguments of Sr. PP heard and record perused.

2. Accused/petitioner, **Muhammad Kashif** s/o Muhammad Gul seeks his post-arrest bail in case FIR No. 168, Dated 11.11.2026 registered u/s 9 (1) 3 (c) CNSA of Police Station Kalaya. As per contents of the FIR, the complainant along with other police contingent, while responding to the information regarding smuggling of narcotics from Sangra to District Khyber through Anjani via motorcar, laid a barricade on main road Goyeen on 11.11.2026 when a motorcar bearing Registration No. KR5438 of silver colour arrived there from Sangra side at 1240 hours. The vehicle was stopped. The driver was alighted from the vehicle who disclosed his name as Faheem Ullah. A 30-bore pistol without number along with 04 rounds was recovered from his possession. The accused could not produce any valid license or permit of the pistol. The person occupying

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the front seat was also deboarded, who disclosed his name as Muhammad Kashif. The complainant searched the vehicle and recovered 10 packets of chars, weighing 1000 grams each, from a secret cavity beneath the driving seat of the motorcar. He also recovered 10 packets of chars, weighing 1000 grams each, from a secret cavity beneath the front seat of the motorcar.

3. The learned counsel for the accused/petitioner relied on the judgment of Hon'ble Peshawar High Court, Peshawar dated 26.01.2026 passed in Cr.M B.A No. 94-P/2026 and submitted that the petitioner, being front seater, is entitled to the concession of bail on the basis of ratio decidendi in the said order.

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4. On the other hand, the learned Sr. PP strongly opposed the application and requested for its dismissal.

5. After hearing both the parties and perusal of the record, it was found that though the petitioner is front seater in the vehicle, but the recovery of 20 packets of chars was affected beneath the secret cavities under the seat of driver as well as the front seater. This fact distinguishes the present case from the case relied upon by counsel for the accused/petitioner, in which 30 KG of chars was recovered from three

sacks concealed in the trunk of the vehicle. The offence falls within the prohibitory clause of Section 497 CrPC. Moreover, sufficient material is available on file which reasonably connects the accused/petitioner with the commission of offence of trafficking huge quantity of narcotics. Route certificate for FSL is also available on record.

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

7. Copy of this Order be placed on police/judicial file. File of be consigned to record room after its necessary completion and compilation.

Announced:
21.11.2026

(HAQ NAWAZ)
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