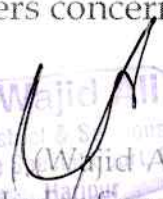
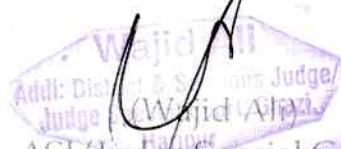


BEFORE THE COURT OF  
ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT, HARIPUR AT GHAZI

Post Arrest Bail Petition No. 125/4  
Date of Institution : 19.07.2023  
Date of Decision : 26.07.2023

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order.....03	26.07.2023	<p>Ansar Ali Advocate, learned counsel for the accused/petitioner and Javed Yousaf, learned APP for the State present. Arguments heard.</p> <p>2. Accused/petitioner namely; <i>Ameer Khan alias Malanga s/o Salam Khan r/o Khalo Tehsil Ghazi District Haripur</i>, seeks his post arrest bail in case FIR No. 297 dated 04.07.2023 under section 9(d) of Control of Narcotics Substances Act, 2019 registered at Police Station Ghazi.</p> <p>3. The facts narrated in the FIR are that the complainant Mehtab Nazeer SHO of Police Station Ghazi recovered 5140 grams of <i>charas</i> from possession of accused/petitioner. Now the accused/petitioner has filed the instant post-arrest bail petition for his release on bail.</p> <p>4. Tentative assessment of the record reveals that the accused/petitioner is confronted with the charge of recovery of huge quantity of <i>charas</i>, prima facie the same was recovered from his direct possession as the accused/petitioner was arrested on the spot and the police may be unable to plant such a huge quantity, specially, in absence of any malafide or ulterior motive. The recovery proceedings have been witnessed by the witnesses of recovery memo. Admittedly, they</p>

## BA No. 125/4 titled: Ameer Khan vs. State

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		<p>are police officials, but it has been held by the superior courts that the police officials are as good witnesses as other private persons. The samples were referred to the FSL well within time and the report of which is received and placed on file confirming the same as charas. The offence for which the accused is charged is one of heinous in nature and effecting the whole society at large. The punishment provided for the crime falls within the prohibitory clause of section 497 Cr.PC. Hence, it is held that prima-facie the accused/petitioner is found to be connected with the commission of offence; therefore, he is not entitled to the concession of bail at this stage. Consequently, bail application in hand stands dismissed. File be consigned to Record Room after completion, compilation and scanning while record be returned to the quarters concerned.</p> <p><b><u>Announced:</u></b> 26.07.2023</p> <p style="text-align: right;">  ASJ/Judge Special Court, Haripur at Ghazi.</p>