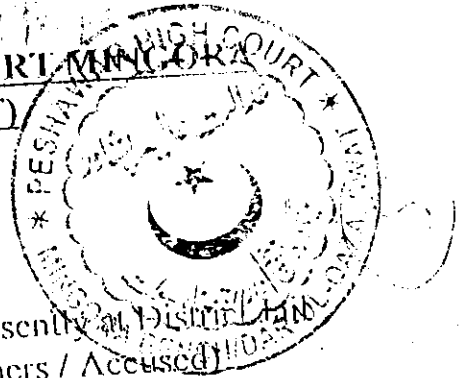


**IN THE COURT OF PESHAWAR HIGH COURT  
BENCH (DARUL-QAZA SWAT)**

Cr.M No. 325 2017



Bakhti Amin S/O Umar Ayaz,  
R/O Village Sura Tehsil Mandant, District Buner, presently at District Jail,  
Daggar, Buner. .... (Petitioners / Accused)

**VERSUS**

1. The State through AAG
2. Sher Ali Khan S.H.O P.S Nawagai, District Buner.. Respondents)

**F.I.R No. 927, Dated: 03-07-2017, U/S 9C (CNSA) P.S  
Nawagai, District Buner.**

**APPLICATION U/S 497 (2) CR.PC FOR THE RELEASE OF THE  
ACCUED / PETITIONER ON BAIL TILL FINAL DISPOSAL OF  
THE CASE.**

Respectfully Sheweth!

1. That the accused Petitioners was arrested by the local police in the above mentioned case and is the judicial lockup. (Attested copy of F.I.R is attached as Annexure A).
2. That the petitioners applied for his release on bail to the Session Judge / Zilla Qazi Buner, but the same was dismissed by the Additional Session Judge-II /Zafi Zilla Qazi Buner, on 11-07-2017. (Attested Copies of Bail Applications and orders of the Additional Session Judge -II/ Zilla Qazi Buner are attached as Annexure B & C).

FILED TODAY

Additional Registrar

1

**JUDGMENT SHEET**

**IN THE PESHAWAR HIGH COURT,  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

**Cr.M B.A. No. 325-M/2017**

**JUDGMENT**

Date of hearing: **09.08.2017.**

**Petitioner:- (Bakhti Amin) by Mr. Abid,  
Advocate.**

**Respondents:- (the State & 1 another) by Mr.  
Rafiq Ahmad, Asst: Advocate General**

**MOHAMMAD IBRAHIM KHAN, J.-** This

Petitioner is an accused in case FIR No. 927 dated 03.07.2017 charged under section 9 (C) CNSA registered at Police Station Nawagai District Buner and is optimistic for the grant of his post arrest bail.

2. The Petitioner has previously been refused bail by the order dated 11.07.2017 passed by the learned Additional Sessions Judge-II/Izafi Zila Qazi Buner at Dagger.

3. On perusal of the impugned order, it would reveal that the Petitioner was earlier booked in cases of the commission of gambling and being in possession of Chars was sentenced

**ATTESTED**

**Examine**

Peshawar High Court Bench  
Mingora/Dar-ul-Qaza, Swat.

to meager amount of Rs. 300/-, Rs. 400/- and Rs.1,000/- in all such cases approximately.

4. The *Murasila* led to lodging of the First Information Report would reveal that the Petitioner was coming from a place known as *Khadoo* on motorcycle when he was alighted. There was a bag hanging near the safeguard of the motorcycle when it was opened Chars weighing 1450 grams were recovered. Out of which, 10 grams were separated for chemical analysis while the rest 1440 grams were sealed into another parcel. Motorcycle was taken in possession and this accused/Petitioner was arrested.

5. The quantity even if it is 1450 grams Chars, the samples sent were found Chars by the Forensic Science Laboratory report, yet it is a border line case. The Petitioner was refused bail by the learned trial Court mere on the ground that he was previous convict, but at the time when this bail order was carried-out the FSL report was not available on the record. The

ATTESTED

Examiner  
Postmaster General  
Muzaffargarh District

photocopy of ESL report is now received furnished by the learned A.A.G. for the State. There had never been a dressed trial ever conducted by the Court having jurisdiction. The orders of the learned trial Court were mere delivered on the basis of pleading the guilt by the Petitioner which is a practice generally conducted by Courts to whisk off from lengthy trials.

6. The Petitioner is entitled to the concession of bail. Hence he is asked to furnish bail bonds in the sum of Rs. 100,000/- (Rupees one lac) with two sureties each in the like amount to the satisfaction of learned Trial Court/MOD, who shall ensure that the sureties are local, reliable and men of means.

These are the reasons of my short order of even date.

Announced  
Dt: 09.08.2017

  
JUDGE

**Certified to be true copy**

  
EXAMINER

Peshawar High Court, Muzara/Char-ul-Baza, Swat  
Authorized Under Article 161 of the Constitution of Pakistan

Nawab

Office  
10/08/2017  
W/R