

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition5/4 of 2023.

Date of institution.....09.02.2023.

Date of decision.....11.02.2023.

Case FIR No. 12, dated 03.02.2023, U/S 11-A CNSA, PS Kalaya, District Orakzai

Abid Ali Advocate for accused/petitioners


Order – 03

11.02.2023

Learned counsel for accused/petitioner present. Record already received. Arguments on behalf of APP for the state already heard. Arguments of counsel for accused/petitioner heard today and record perused.

Accused/petitioner namely Aitezaz Hassan S/O Bahadar Hussain, R/O Kalaya, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No. 12 dated:03.02.2023 U/S 11-A CNSA, PS Kalaya, Orakzai.

Perusal of record reveals that recovery of 40-gram ICE has been affected from the direct possession of the accused/petitioner. The offence is heinous in nature and affects the society at large. Although, the offence for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of



11/02/2023
ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence. FSL report is not placed on file, however, case property was produced before the court at the time of request for physical custody of accused/petitioner. Copy of application for FSL examination of one-gram ICE and copy of receipt No. 22/21-K, dated 05.02.2023 is placed on file. Deeper appreciation of evidence is not permissible at bail stage.

Consequently, the application in hand is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

ANNOUNCED:
11.02.2023


ZAHIR KHAN
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai