

Bail Petition .....18/4 of 2023.

Date of institution.....25.03.2023.

Date of decision.....27.03.2023.

APP for the state  
Mr. Sana Ullah Khan Advocate, Counsel for accused/petitioner.

**Order.02**


**27.03.2023**

APP for the state present. Counsel for accused/petitioner present.

Attested record received. Arguments heard and case file perused.

Accused/petitioner namely Ishaq Ali S/O Muhammad Ishfaq R/O Qoam Mani Khel, Tappa Sabzi Khel, Village Qalat, Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.25 dated: 12.03.2023 U/S 15-AA/11-A CNSA, Police Station Kalaya, District Orakzai.

Record shows that offence u/s 15-AA is bailable while punishment for offence u/s 11-A CNSA does not fall within the ambit of prohibitory clause of Section 497 Cr. PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances exist to justify the departure from the said rule. There is no criminal history of accused/petitioner. There is nothing on record which could show that

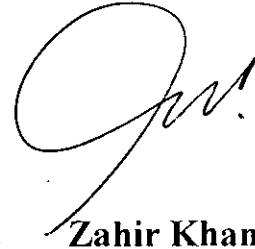
  
27/03/2023  
**ZAHIR KHAN** accused/petitioner is previous convict in such like cases.  
**Civil Judge JM**  
**Kalaya Orakzai**

Accused/petitioner has not confessed his guilt before the court. FSL report is not placed on file. Investigation has already been completed and

accused/petitioner is no more required to the local police for investigation.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. The requisitioned record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
**27.03.2023**



**Zahir Khan**  
JMIC-I, Kalaya, Orakzai