

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT
BABAR MELA**

BA No. 65 of 2020

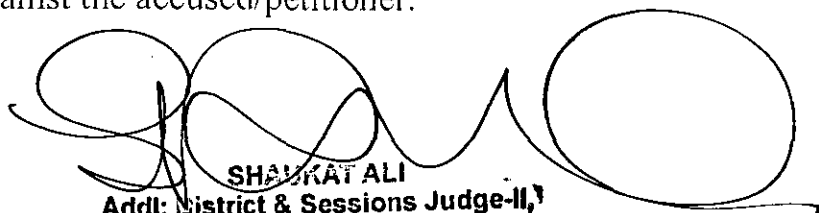
Gul Saidan Vs State

ORDER
02.12.2020

Mr. Jabir Hussain Advocate, learned counsel for accused/petitioner present. Mr. Javid Iqbal Anwar learned Sr.PP for State present.

Accused/petitioner Gul Saidan S/o Noor Imam R/o Cast Ali Khel, Upper Ghiljo District Orakzai is seeking his post arrest bail in case FIR No.55 dated 25.11.2020 u/s 15-AA/5 Explosive Substances Act PS Upper Orakzai District Orakzai.

Brief facts of the case are that the complainant ASHO Saleem Khan during gasht received spy information that huge quantity of arms and ammunition is present in the house of accused/petitioner, that on that information the complainant along with constable Samin Ullah and Rasool-ul-Rehman went to the spot where the accused/petitioner was present near his house and in the presence of accused the police party entered the house of accused/petitioner, that inside the room a place in the corner of the room was dug with the help of spade as a result of which 07 hand grenades, 02 shells/grenades of Rocket Launcher, 05 fuses used for gun powder, 02 iron boxes each containing 380/380 total 760 live rounds of Dragunov Bore, 01 missile and 06 live rounds of 12.7 bore were recovered, that the arms and ammunition were taken into possession and the accused disclosed the same as his ownership who was arrested and Murasila was drafted which was sent to PS for registration of the case through constable Samin Ullah on the basis of which instant FIR was registered against the accused/petitioner.


SHAKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu

Arguments of learned counsel for the accused/petitioner and learned Sr.PP for the State heard and available record perused.

The tentative assessment of record would transpire that the accused/petitioner was arrested red handed and a huge quantity of ammunition and explosive was recovered from the residential room of the house which was in the possession of the accused/petitioner who was present at the time of raid and search by the complainant. The recovered arms and explosive is not only huge in quantity but also highly dangerous for which the accused/petitioner could not put any plausible explanation. The recovery is supported by the witnesses to the recovery memo available on file and no ill-will was surfaced on record on the part of the complainant and prosecution witnesses to falsely implicate the accused/petitioner in the instant case for the commission of offence. Furthermore, sentence for a term which may extend to 14 years has been provided u/s 5 of the Explosive Substances Act 1908 which does fall within the prohibitory clause of 497 Cr.P.C. The facts and circumstances of the case shows reasonable grounds to believe that the accused/petitioner is prima facie involved in the commission of offence, therefore this Court is not inclined to release the accused/petitioner on bail.

In view of above, instant bail petition, being devoid of merits, stands dismissed.

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

Announced
02.12.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela