

(9)

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

BBA No. 73 of 2020

Muhammad Ayaz vs State

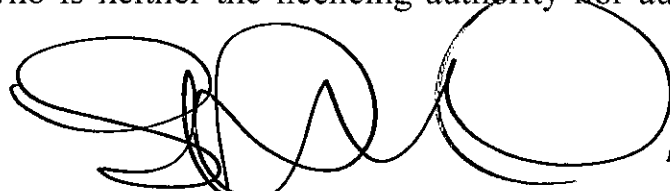
ORDER
22.12.2020

Accused/petitioner on ad-interim pre-arrest bail along with his counsel present. Syed Amir Shah APP for the State present.

The accused/petitioner Muhammad Ayaz s/o Lajbar Khan r/o Shahu, District Orakzai is seeking the confirmation of his ad-interim pre-arrest bail in case FIR No.126 dated 14/12/2020 u/s 56 KP Mineral Sector Governance Act 2017 PS Lower Orakzai (Kalaya) wherein the accused/petitioner is charged for interference and obstruction in the excavation of mines and its transportation since long and stopping of work in mines.

Arguments for the learned counsel for the accused/petitioner and APP for the state heard today and record perused.

The offence u/s 56 (1) of the Khyber Pakhtunkhwa Mineral Sector Governance Act 2017 is cognizable and non-bailable and the information of the offence shall be reported to the PS by the licencing authority or an officer authorize by it in this behalf for registration of case against the accused as provided u/s 56 (5) of the Act. The licencing authority under the Act is the committee constituted u/s 6 of the Act or the Director General of Mines and Minerals for the purpose of reporting the offence to the PS. In the instant case against the accused/petitioner the offence is reported to the police by Mineral Guard who is neither the licencing authority nor authorized officer to



SHAUKAT ALI
Addl: Distri. Sessions Judge-II,
Orakzai at Mangu

lodge the report which shows mala fide on the part of complainant to register the case against the accused/petitioner in violation of section 56 (5) of the Khyber Pakhtunkhwa Mineral Sector Governance Act 2017. It is a well settled principle of law that when the law requires a particular thing to be done in a particular manner then it should be done in that manner as provided under the law and not otherwise. The accused/petitioner has joined the investigation and it will bear no fruitful result to send him behind the bars.

In view the above, the bail petition in hand is accepted and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 19/12/2020 is hereby confirmed on the strength existing bail bonds.

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

Announced
22.12.2020



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