


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

BBA No. 34/4 of 2023

Mokil Shah etc. Vs State

⑥

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	31.05.2023	<p>Accused/petitioners Mokil Shah and Mujab Khan on ad-interim pre-arrest bail and APP for State are in attendance.</p> <p>2. This is the disposal of Pre arrest bail application presented by accused/petitioner Mokil Shah son of Hakeem Shah and Mujab Khan son of Najab Khan residents of Qaum Mishti, Tappa Darvi Khel, Tehsil Lower, District Orakzai.</p> <p>3. Muhammad Yasir Royalty Inspector as complainant reported the incident to the Police, charging the accused/petitioners Mujab Khan, Alaf Khan and Mokil Shah for illegal mining and unauthorized transportation of minerals. Murasila was drafted, which was later on converted into FIR bearing No.15 dated 18-04-2023, registered at Police Station, Kurez Boya, Orakzai under section 56/42 KP Mineral Act 2017. The accused Mokil Shah and Mujab Khan presented instant pre-arrest bail petition, which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners and APP for State have already been heard and record perused.</p> <p>5. On tentative assessment of record, it reveals that petitioners have specifically been named in the contents of FIR but nothing except allegation leveled in the FIR have been produced to Investigation Officer. The complainant did not bother even to ensure his presence for chalking out the site plan. The Police has issued notice to the complainant under Section 160 of the Code of Criminal Procedure, 1898 to be associated for pointation of crime scene which was astonishingly dishonored so far. All these facts are surfacing mala fide on part of complainant that will obviously lead to humiliation.</p> <p>6. For what has been discussed above, instant pre arrest bail petition stands allowed. Ad-interim pre arrest bail earlier granted to the accused/petitioners is hereby confirmed on existing bail bonds. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.</p> <p>7. Announced in open Court.</p> <p style="text-align: right;"> Sayed Fazal Wadood, AD&SJ, Orakzai at Baber Mela</p>