

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAIBail Petition 52/4 of 2023.

Date of institution.....29.05.2023.

Date of decision.....30.05.2023.

Mr. Sana Ullah Khan Advocate for accused/petitioner. APP
for the state**Order – 02**
30.05.2023

Bail petition received from the court of learned CJ-II, Kalaya.

Be registered.

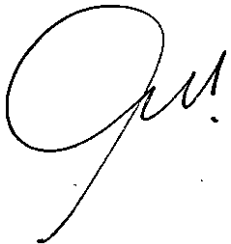
APP for the state present. Learned counsel for accused/petitioner present. Record is before the court as trial of accused/petitioner and co-accused is pending before this court and fixed for today.

Arguments heard and record perused.

Accused/petitioner namely Hamza Ullah S/O Watan Meen Khan R/O Qaum Feroz Khel, Meer Bak, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No. 33 dated: 05.04.2023 U/S 11-A CNSA, PS Kalaya, Orakzai.

Perusal of record reveals that recovery of 38-grams ICE has been effected from the direct possession of the accused/petitioner.

The offence is heinous in nature and affects the society at large. FSL report is placed on main file as per which the samples sent to FSL are



30/05/2023

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

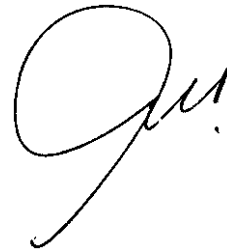
Methamphetamine (ICE) which support the case of prosecution.

Complete challan has already been submitted by prosecution and case is fixed for formal charge. 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 bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence.

Consequently, the application in hand is turned down. Copy of this order be placed on judicial as well as police file.

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

ANNOUNCED:
30.05.2023



ZAHIR KHAN
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai