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

BBA No. 58/4 of 2023  
Halif Khan Vs State

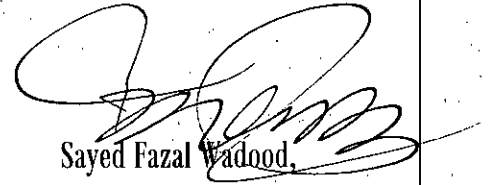
| Serial No of order or proceedings | Date of Order Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary   |
|-----------------------------------|---------------------------|---|
| 1                                 | 2                         | 3   |
| Order                             | 24.07.2023                | <p>Accused/petitioner on ad-interim pre-arrest bail along with counsel and APP for State are in attendance. The case file is received from the Court of Hon'ble the District &amp; Sessions Judge Orakzai; it be registered.</p> <p>2. Arguments have been heard; whereas, this is the disposal of Pre arrest bail application presented by accused/petitioner Halif Khan son of Itbar Shah resident of Qaum Mishti, Tappa Haider Khel, District Orakzai.</p> <p>3. Brief facts of the case are such that petitioner was charged as co-accused alongwith others released on bail for illegal mining in the area Chapper Mishti Orakzai. Consequently, FIR bearing No. 15 dated 18.04.2023 was registered in Police Station of Kurez Boya of Orakzai by attracting Section 42/56 of KP Mineral Governance Act 2017. The petitioner moved the Court with application for pre-arrest bail which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioner and APP for State heard and record perused.</p> <p>5. On tentative assessment of record, it reveals that the other accused have been released on bail. The accused was abroad in connection with performing Umrrah as per the passport (original seen and copy retain). Date of his departure is 17<sup>th</sup> April 2023; whereas, the date of return to Pakistan is recorded as 08<sup>th</sup> May 2023; while, the date of registration of case is 18<sup>th</sup> April 2023. Meaning there by that accused was not available in Pakistan and this fact alone is sufficient is attract mala fide on part of the complainant or prosecution.</p> <p>For what has been discussed above, instant pre arrest bail petition stands allowed. Ad-interim pre arrest bail</p> |

  
**FAYEZ FAZAL WADOOD**  
District & Sessions Judge.  
Orakzai at Hangu

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earlier granted to the accused/petitioner is hereby confirmed on the strength/<sup>and</sup>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..

7. Announced in open Court.



Sayed Fazal Wadood,  
AD&SJ, Orakzai at Baber Mela