

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

BA No. 36 of 2021
Muhammad Essa vs State

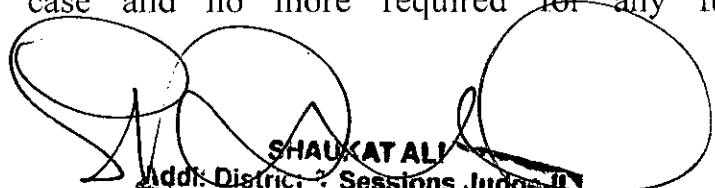
ORDER
10.03.2021

Learned counsel for the accused/petitioner present.
Mr. Javid Iqbal Anwar, Learned Sr.PP for the State present.

The accused/petitioner Muhammad Essa s/o Muhammad Yaseen r/o Qoam Mula Khel, Badam Mir Khel, District Orakzai seeks his post arrest bail in case FIR No.29 dated 05.03.2021 u/s 9-C CNSA of PS Lower Orakzai (Kalaya), wherein the accused/petitioner is charged for the recovery of 800 grams chars from his possession.

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

The perusal of record would transpire that the accused/petitioner is charged for having in his possession chars weighing 800 grams punishable u/s 9-C KP CNSA which carries punishment of less than 10 years which does not fall within the prohibitory clause of section 497 CrPC wherein, the grant of bail is a rule and refusal is an exception, however there are no exceptional grounds to refuse bail to the accused/petitioner. The accused/petitioner is first offender as there is no previous history of his involvement in such like cases. Furthermore, all the witnesses of the prosecution case are Police officials, hence there is no apprehension that the accused may temper with the prosecution case after his release on bail. The accused/petitioner has already been interrogated in the instant case and no more required for any further


SHAUKAT ALI
Addl. District Sessions Judge-II,
Orakzai at Hangu

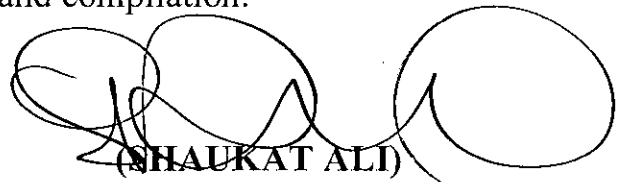
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investigation, therefore the case of the accused/petitioner is arguable for the grant of bail.

In view of above, application of accused/petitioner is accepted and he is directed to be released on bail subject to furnishing surety bonds in sum of Rs.100,000/- with two sureties each in the like amount to the satisfaction of this Court.

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

Announced
10.03.2021



(SHAUKAT ALI)
Addl; Sessions Judge-II/JSC,
Orakzai at Baber Mela