

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 133/4 of 2021
Date of Institution : 21.06.2021
Date of Decision : 24.06.2021

SAEED UR REHMAN ETC. VS THE STATE

ORDER

APP, Syed Aamir Shah for the State and Aurangzeb Khan Advocate for accused/petitioners present. Record received. Arguments heard and record gone through.

2. Accused/petitioners, Saeed Ur Rehman s/o Sunnat Khan and Hazrat Bilal s/o Saleem Gul seek their release on bail in case FIR No. 16, dated 16.06.2021, U/S 16AA & 5 Explosive Act at Police Station Mishti Mela, wherein, as per contents of FIR, the local police have recovered a rocket launcher M72 alongwith 06 shells and 08 detonators from the motorcycle bearing registration no. F1017/Hangu, riding by the present accused/petitioners.


3. It is evident from the record that though both the accused/petitioners are directly nominated in the FIR and the offence for which the accused/petitioners are charged falls within the

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
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prohibitory clause of section 497 Cr.P.C, however the recovery has not been effected from personal possession of either of the accused/petitioners rather from the motorcycle allegedly riding by the accused/petitioners with no specification of roles as to who was driving the motorcycle at the time of occurrence. Similarly, the report of FSL or that of the Arms Expert is not available on file as to confirm that whether the recovered arms and ammunitions were in working condition or otherwise. Both the aforementioned circumstances throw the case against the accused/petitioners within the ambit of further inquiry of section 497 Cr.P.C.

4. Hence, in view of what is discussed above, the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioners submit a bail bond in the sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. Consign.

Announced:
24.06.2021


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela