

**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI**

**Bail Petition ..... 83/4 of 2023.**  
**Date of institution.....16.09.2023.**  
**Date of decision.....20.09.2023.**

**Order.04**  
**20.09.2023**

None present for the state despite service of notice. Clerk of counsel for accused/petitioner present. Written arguments on behalf of counsel for accused/petitioner submitted. Record received and gone through.

Accused/petitioner namely Muhammad Yaseen S/O Sawab Gul R/O Qaum Mishti, Tappa Gujar Khel, District Orakzai is seeking his post arrest bail in case FIR No.28 dated: 05.08.2023 U/S 11-A CNSA, Police Station Mishti Mela, District Orakzai.

Record shows that the offence with which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC. In such like cases grant of bail is a rule and refusal is exception. No extra ordinary circumstances exist to justify departure from the said rule. Co-accused Hazrat Ullah has already been released on bail by this court vide order dated 19.08.2023, therefore, rule of

  
20/09/23

**ZAHIR KHAN**  
**Civil Judge JM**  
**Kalaya Orakzai**

consistency is also attracted to the case of accused/petitioner. There is no criminal history of accused/petitioner. There is nothing on record which could show that accused/petitioner is previously involved or

convicted in such like cases. Accused/petitioner has not confessed his guilt before the court. Accused/petitioner is behind the bar since 06.08.2023. Investigation has already been completed and accused/petitioner is no more required to the local police for investigation.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record.

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

**ANNOUNCED:**  
**20.09.2023**



**Zahir Khan**  
JMIC-I, Kalaya, Orakzai