

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

Bail Petition85/4 of 2023.

Date of institution.....16.09.2023.

Date of decision.....18.09.2023.

Case FIR No. 36, dated 04.09.2023, U/S 11-A CNSA & 15-AA, PS Mishti Mela,

District Orakzai

Mr. Sana Ullah Advocate, counsel for accused/petitioner,
Dy.PP for the state.

Order – 02
18.09.2023

Learned counsel for accused/petitioner present. Dy. PP for the state present. Record received. Arguments heard and record perused.

Accused/petitioner namely Abdul Salam S/O Maweez Gul, R/O Qaum Mishti, Tappa Darway Khel, Orakzai is seeking his post arrest bail in case FIR No. 36 dated:04.09.2023 U/S 11-A CNSA & 15-AA PS Mishti Mela, Orakzai.

Perusal of record reveals that recovery of 50-grams ICE and one pistol 9-MM along with a fixed charger containing 02 live rounds of the same bore has been affected from the direct possession of the accused/petitioner. The offence is heinous in nature

and affects the society at large. Although, the offence u/s 11-A CNSA for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by


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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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. FSL report is not placed on file, however, case property was produced before the court at the time of request for physical custody of accused/petitioner. Copy of application for FSL examination of one-gram ICE and copy of receipt No. 55, dated 06.09.2023 is placed on file. Deeper appreciation of evidence is not permissible at bail stage.

Consequently, the application in hand is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

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

ANNOUNCED:
18.09.2023



ZAHIR KHAN
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai