

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

**Bail Petition ..... 95/4 of 2023.**

**Date of institution.....02.10.2023.**

**Date of decision.....04.10.2023.**

**Order.03**

**04.10.2023**

None present for the state despite notice. Clerk of counsel for accused/petitioner present. Written arguments on behalf of counsel for accused/petitioner submitted. Record in shape of copies received and perused.

Accused/petitioner namely Waheed Khan S/O Muhammad Ayub R/O Qaum Mishti, Tappa Darway Khel, Tagha Saam, Orakzai is seeking his post arrest bail in Case FIR No.37 dated: 04.09.2023 U/S 11-A CNSA, Police Station Mishti Mela, District Orakzai.

Record shows that accused was arrested on 04.09.2023 and he is behind the bar since then. Despite lapse of one month, neither complete challan against the accused is put in court nor FSL report is placed on file. None from the prosecution did bother to appear before the court to


argue the case of prosecution which shows their lack of interest in prosecution of cases. Furthermore, 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

  
**ZAHIR KHAN**  
Qilib Judge/JM  
Kalaya Orakzai

exist to justify departure from the said rule. Accused/petitioner has not confessed his guilt before the court. 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. One copy of this order be placed on police as well as judicial record while one copy be sent to DPP, Orakzai. The requisitioned record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
**04.10.2023**



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