


Case Title: Zualqif VS State

Order...01
07.11.2023

Bail Petition submitted through counsel Mr. Khursheed Alam Advocate. It be entered in the relevant register.

Notice be issued to the complainant/State to produce the relevant record on 08.11.2023.


Sami Ullah
Judicial Magistrate-I, HQ
Orakzai (at Baber Mela)


Order...02
08.11.2023

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

Accused/petitioner namely Zualqif S/O Haji Badshah, R/O Qoam Mishti, Tappa Darwee Khel, District Orakzai seeking his post arrest bail in Case FIR No.35 dated: 11.09.2023 U/S 11-A CNSA, Police Station Kuriz Boya, Lower Orakzai.

Perusal of record would reveal that accused/petitioner is charged U/S 11-A CNSA. 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 an exception. There is no criminal history of accused/petitioner. There is nothing on record which could show that accused/petitioner is a previous convict in such like cases. Accused/petitioner has not confessed his guilt before the court. Investigation has already been completed and accused is no more required

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Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

Zualqif Vs State

Order...02

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Continued.

to the local police for investigation. Moreover, co-accused in the instant FIR is already on bail and no specific role, distinct to that of the co-accused, is attributed to the petitioner.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 120,000/- (One lac twenty 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. 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:

08.11.2023


Sami Ullah
Civil Judge/JM-I
Orakzai (At Baber Mela)