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

Bail Application No : 3/4 of 2022
Date of Institution : 10.01.2022
Date of Decision : 15.01.2022

RAZA ALI VS THE STATE

ORDER

DPP, Umar Niaz for the State and Haseeb Ullah Khan Advocate for accused/petitioner. Record received. Arguments heard and record gone through.

2. Accused/petitioner, Raza Ali s/o Fariz Ali, after being refused to be released on bail vide order dated 07.01.2022 of learned Judicial Magistrate, Orakzai, seeks his release on bail in case FIR No. 3, dated 03.01.2022, U/S 16AA & 5 Explosive Substances Act of Police Station Kalaya, wherein, as per contents of FIR, the local police during routine patrolling, stopped a person having a blue colour shopping bag in his right hand, the search of which led the complainant to the recovery of 05 hand grenades from possession of the present accused/petitioner. Hence, the instant FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR, the recovery of 05 hand grenades have been shown made from the possession of the accused/petitioner and the offence for which the accused/petitioner is charged falls within the prohibitory clause of section 497 Cr.P.C; however, the place of occurrence is situated in


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Orakzai at Baber Mela
15/01/22

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thickly populated area and the alleged recovery has been effected during a brought day light but the local police has not made any efforts to associate a private person of the locality with the process of search or recovery. Moreover, the alleged recovered hand grenades have been sealed through BDS staff but not a single official of the BDS staff has been made a witness to the occurrence. Furthermore, 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. The aforementioned circumstances throw the case against the accused/petitioner within the ambit of further inquiry of section 497 Cr.P.C.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits 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.

Pronounced:
15.01.2022


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela