

Order-03  
24/02/2022

APP for the state present. Accused/petitioner through counsel present.

The petitioner named Shahid Ullah s/o Sahib Zad Gul has applied for his post arrest bail in connection with case FIR No. 02 dated 20/02/2022 u/s 15 AA registered in PS Ghiljo Upper Orakzai.

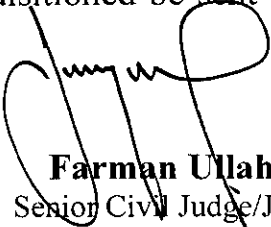
Arguments heard and file perused.

Perusal of the record reveals that allegedly one Rifle Danggal bearing No. 741091 along with 05 live rounds, one Kalashnikov bearing No.1975-770787 along with fixed charger and one bandolier consisting of 04 spare chargers along with 135 live rounds were recovered by the Police from the house of accused but neither search warrant is available on file nor lady police accompanied during the raid. Similarly, no private and independent witness was associated with the recovery proceedings, the compliance of which is mandatory u/s 103 Cr.PC. Moreover, FSL report or Armor report is also not available on file. So, all these facts and circumstances make the case of accused one of further inquiry. The accused has neither confessed his guilt nor he is a previous convict. Moreover, the punishment provided for the offence also does not fall in the prohibitory clause of S. 497 Cr.PC, hence grant of bail in such like cases is a rule while its refusal is an exception, however, no exceptional circumstances exist in instant case.

For above, accused is entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioner is released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- with two local sureties each in the like amount to the satisfaction of the court.

Copy of this order be placed on police record and file be consigned to record room. Record requisitioned be sent to quarter concerned.

**ANNOUNCED**  
24.02.2022

  
**Farman Ullah**  
Senior Civil Judge/JM,  
Orakzai at Baber Mela.