

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

Bail Application No : 166/4 of 2021
Date of Institution : 14.09.2021
Date of Decision : 17.09.2021

SAJID ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.


2. Accused/petitioner, Sajid Ullah s/o Shehzada seeks his release on bail in case FIR No. 30, dated 08.09.2021, U/S 15AA & 5 Explosive Substances Act of Police Station Mishti Mela, wherein, as per contents of FIR, the local police during search and strike operation have recovered 03 hand grenades, 60 cartridges, 05 Kalashnikov's magazines, 02 machine guns, 02 pistols of 30 bore alongwith 02 magazines from the residential room of the present accused/petitioner.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of section 497 Cr.P.C; however, the recovery has not been effected from personal possession of the accused/petitioner. There is nothing available on file that as to how the local police was able to identify the room of the accused/petitioner. Moreover, the place of occurrence is situated in

thickly populated area and the alleged recovery has been effected from residential room during a brought day light but the local police has neither obtained any search warrant nor any private person of the locality has been associated with the process of search or recovery. Similarly, 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. Both 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:
17.09.2021


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela