


IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

BBA No. 114/4 of 2021

Noor Akbar etc. Vs State

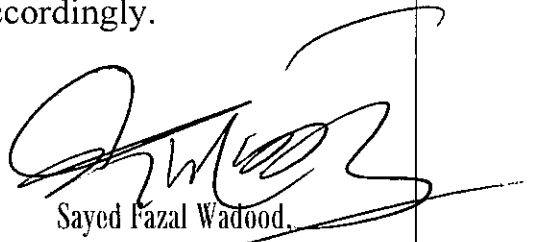
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	05/10/2021	<p>Accused/petitioners on ad-interim pre-arrest bail present.</p> <p>2. This is the disposal of Pre arrest bail application presented by accused/petitioners Noor Akbar son of Syed Mir Anwar, Daftar Ali son of Baidar Ali, Syed Iftexhar Hussain son of Syed Ali Imam, Azeem Khan son of Syed Nabi, Muhammad Bashir son of Yousaf Khan, Mustafa Hassan son of Khoshal Khan, Shaban Ali son of Ghameen Ali, Syed Yadulhassan son of Syed Kamil Hussain, Muhammad Nawaz son of Syed Nabi, Noorjaf Ali son of Sardar Ali and Naib Hassan son of Raza Khan all residents of Qaum Bar Muhammad Khel, Tehsil Lower of District Orakzai.</p> <p>3. Local Police have charged all of the accused for illegal use of loudspeaker in the event of death anniversary of Allama Arif Hussain al-Hussaini scheduled in Imam Bargah of Starr Sam Orakzai. Resultantly, criminal law was brought into motion and FIR bearing No.15 dated: 03-08-2021 was registered u/s 188 of the Pakistan Penal Code, 1860 in Police Station, Kurez Boya. All of the accused presented instant pre-arrest bail petition which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners and learned APP for State heard and record perused.</p> <p>5. On tentative assessment of record, it reveals that special law dealing the subject of control of loud speaker and sound amplifier is available on the subject dealing all the aspects of the matter. Banning it through notification under section 144 of the Code of Criminal Procedure, 1898 would amount an alteration of the special law to which is</p>

  
**SAYED FAZAL WADDOOD**  
 Addl: District & Sessions Judge  
 Orakzai at Hangu

out of the spare of empowering section of law. Similarly, no complainant whatsoever has been received by the Local Police from the Office of the Deputy Commissioner Orakzai and thus procedural irregularity has been committed that speaks about mala fide on part of the Police. The offense is bailable and no evidence even of insufficient degree has ever been tried to be collected except mere assertion in the contents of FIR.

6. For what has been discussed above, instant pre arrest bail petition stands allowed. Ad-interim pre arrest bail earlier granted to the accused/petitioners is hereby confirmed on the strength existing bail bonds. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.

  
Sayed Fazal Wadood,  
AD&SJ, Orakzai at Baber Mela