

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 84/4 of 2023
Date of Institution : 07.12.2023
Date of Decision : 11.12.2023

ABDUL KARIM VS THE STATE

ORDER

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

2. Accused/petitioner, **Abdul Karim** s/o Ilyas Khan, after being refused to be released on bail vide order dated 07.12.2023 of learned Judicial Magistrate-I, Orakzai, seeks his post-arrest bail in case FIR No. 51, dated 05.12.2023, u/s 15AA of Police Station Kurez, wherein, as per contents of FIR, the complainant along with other police officials during routine patrolling, laid a picket near Tazi Khel Check-Post where at about 1820 hours a Double Cabin Pick-Up bearing Registration No. BA-3594 of white colour. The driver of the vehicle was made come down but nothing incriminating was recovered from his personal search. The search of the vehicle led the complainant to the recovery of 02 Kalashnikovs bearing no. 5562217 and 661365 for which he could not produce any valid license or permit. Hence, the present FIR.

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(Signature)
11/12/23
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case as a means to let free the true wrongdoer, that there is no previous

history of the accused/petitioner in such like cases. On the other hand, learned DPP presented arguments stating that the accused/petitioner was apprehended on the spot and the recovery has been made from the vehicle driven by the accused/petitioner.

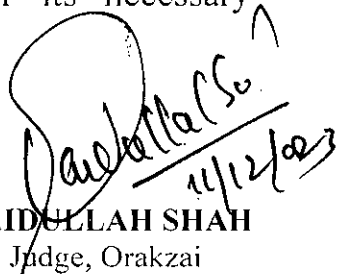
4. Perusal of the case file reveals that though the accused/petitioner is directly nominated in the FIR and the recovery has been from the vehicle driven by accused/petitioner, but the offence for which the accused/petitioner is charged, does not fall within the prohibitory clause of section 497 Cr.P.C. Moreover, the report of FSL or that of the arms expert is not available on file which would indicate whether the Kalashnikovs in question were in operational condition. Furthermore, the investigation in the instant case is complete and the accused/petitioner is no more required to the police for further investigation.

5. In these circumstances, the instant bail is accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

6. Order announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 11.12.2023




SYED OBAIDULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela