


Order.04  
25.10.2022

APP for the state present. Counsel for accused/petitioners present. Record received. Arguments heard and case file perused.

Accused/petitioners namely 1. Shah Nawaz S/O Zahir Gul and 2. Arshad S/O Fazal both residents of Qaum Feroz Khel, Village Mirbak, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.103 dated: 16.10.2022 U/S 11-A CNSA, Police Station Kalaya, District Orakzai.

Record shows that the offence with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC. In such like cases grant of bail is a rule and refusal is an exception. There is no criminal history of accused/petitioners. There is nothing on record which could show that accused/petitioners are previous convicts in such like cases. Accused/petitioners have not confessed their guilt before the court. Neither FSL report nor copy of application for FSL examination is placed on file. Furthermore, accused/petitioner namely Arshad Khan is a minor as his date of birth is recorded as 25.08.2008 in certificate/document issued by GPS, Shna Nakka, Orakzai. The said certificate is placed on judicial file. Investigation has already been completed and accused/petitioners are no more required to the local police for investigation.

  
25/10/2022  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

Resultantly, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs.

50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. The requisitioned record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**  
**25.10.2022**



**Zahir Khan**  
JMIC-I, Kalaya, Orakzai