

Order - 02

05.07.2022

APP for the state present. Learned counsel for accused/petitioner present. Record received. Arguments heard and record perused.

Accused/petitioner namely Shah Nawaz S/O Zahir Gul R/O Feroz Khel, village Mirbak Kalay, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.53 dated:22.05.2022 U/S 5 Explosive Substances Act, PS Kalaya, Orakzai.

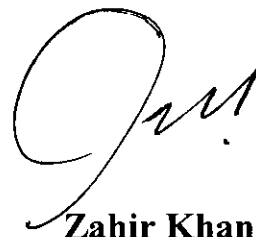
Record shows that accused/petitioner is directly charged in the FIR. The offence with which accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. Recovery of two hand grenades has been effected from the personal possession of the accused/petitioner. Having hand grenades in possession is a grave offence undermining law and order situation. Deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused/petitioner with the commission of the offence. The material available on file is connecting the accused/petitioner with the commission of the offence. In the given circumstances, the accused/petitioner is not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

ANNOUNCED:

05.07.2022



Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai