

Order – 02
07.10.2022

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

Accused/petitioner namely Hajj Muhammad S/O Kaman Khel, R/O Qaum Zakha Khel, Landi Kotal, District Khyber is seeking his post arrest bail in case FIR No. 37, dated:02.10.2022, U/S 11-A CNSA, PS Mishti Mela, Orakzai.

Perusal of record would reveal that accused/petitioner is directly and by name charged in FIR U/S 11-A CNSA for possessing 40-grams methamphetamine (ICE). Recovery has been effected from direct possession of the accused/petitioner. The offence is heinous in nature and affects the society at large. Although, the offence for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence. Deeper appreciation of evidence is not permissible at bail stage.

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:
07.10.2022



Zahir Khan
Judicial Magistrate-I,
Kalaya, Orakzai