

Order - 03
10.10.2022


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

Accused/petitioner namely Ashoor Khan S/O Muhammadeen Shah R/O Qaum Feroz Khel, Village Kari Taal is seeking his post arrest bail in case FIR No. 90, dated:27.09.2022 U/S 11-A CNSA, 15AA, PS Kalaya, Orakzai.

Perusal of record would reveal that accused/petitioner is directly and by name charged U/S 11-A CNSA for possessing 25-gram methamphetamine (ICE) and U/S 15AA for possessing 30 bore pistol without number along with a fixed charger containing 07 live rounds of the same bore. Recovery has been effected from direct possession of the accused/petitioner. The offence U/S 11-A CNSA 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. FSL report is not placed on file, however, case property was produced in sealed condition at the time of obtaining physical custody of the accused. Copy of the application for FSL is also placed on file. Deeper appreciation of evidence is not permissible at bail stage.

Consequently, the application is turned down. Copy of this order be

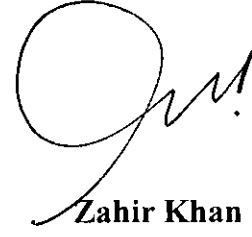
placed on judicial as well as police file. Requisitioned record be sent back to


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ZAHIR KHAN
Civil Judge, JM
Kalaya Orakzai

the quarter concerned forthwith.

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

ANNOUNCED:
10.10.2022



Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai