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**IN THE COURT OF ABDUL BASIT  
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

**Petition No. 35/4 of 2024**

*“Qari Ahmad etc. ... Versus ... The State”*

**Order---02**  
02.05.2024

Pre-arrest bail application received from the Court of Hon'ble Sessions Judge, Orakzai. It be entered in the relevant register.

Accused/petitioners on ad-interim pre-arrest bail along with counsel present. Complainant in person present. Sr.PP for State is present.


Accused/petitioners Qari Ahmad son of Ismail Khel and Fazal Khaliq son of Rozi Gul seek confirmation of their pre-arrest bail provisionally granted to them in case FIR no. 18 dated: 28.03.2024 under Sections 56-Khyber Pakhtunkhwa Minral Act 2017 of Police Station Kalaya, Orakzai.

Arguments heard and record perused.

Tentative assessment of record reveals that the accused/petitioners have been nominated in the instant case. Counsel for accused/petitioners could not point out any malafide or ulterior motive on part of police or complainant for their false implication in the present case. In the absence of malafide, false implication and ulterior motive, which is condition precedent for grant of bail before arrest, the accused/petitioners are not entitled to extraordinary concession of pre-arrest bail. Hence, I am not inclined to extend extraordinary concession of pre-arrest bail to accused/petitioners, therefore, their application is dismissed and interim bail already granted to them is hereby recalled. SHO concerned be informed accordingly.

Record be returned alongwith copy of this order and file of this Court consigned to the Record Room after its completion and compilation.

**Announced**  
02.05.2024

  
**Abdul Basit**  
Addl. Sessions Judge-II,  
Orakzai