

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition 11/4 of 2024.

Date of institution.....17.04.2024.

Date of decision.....18.04.2024.

Mr. Asad Ijaz Advocate co-counsel for accused/petitioner. Uncle of
accused/petitioner.

Order – 02,
18.04.2024

None present for the state despite notice. Co-counsel Mr. Asad Ijaz Advocate for accused/petitioner present. Uncle of accused/petitioner namely Ajmeen present. Record received. Arguments heard and case file perused.

Accused/petitioner namely Ameen Khan S/O Zameen Khan R/O Qaum Mishti, Tappa Haider Khel, village Gujar Khel, Tehsil Lower, Orakzai is seeking his post arrest bail in case FIR No.17 dated: 11.04.2024 U/S 11-A CNSA, Police Station Mishti Mela, District Orakzai.

Perusal of record reveals that recovery of 50-grams ICE has been effected from the 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




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Civil Judge/JM
Kalaya Orakzai

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 in hand 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:
18.04.2024



ZAHIR KHAN
Judicial Magistrate-1,
Tehsil Kalaya, Orakzai