

**IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE-I TEHSIL
KALAYA, DISTRICT ORAKZAI**

Bail Petition17/4 of 2024.

Date of institution.....04.05.2024.

Date of decision.....06.05.2024.

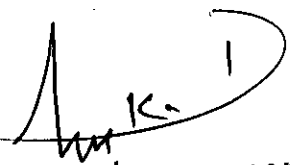
Mr. Abid Ali Advocate and Mr. Sana Ullah Khan Advocate,
counsels for accused/petitioners, APP for the state, Muhammad
Yasir complainant.

**Order.02
06.05.2024**

APP for the state present. Counsels for accused/petitioners present. Record received. Arguments heard and case file perused.

Accused/petitioners namely Abdul Rehman, Fazal Khaliq, Jal Habib, Amal Khan and Ahmad Khan are seeking their post arrest bail in case FIR No.18 dated: 28.03.2024 U/S 56 KP, Mines and Mineral Act, 2017, Police Station Kalaya, District Orakzai.

Record shows that the offence with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is exception. No extra ordinary circumstances exist to justify departure from the said rule. Nothing incriminating has been recovered from possession of accused or on their pointation. Per record, accused/petitioners are charged only for supervision of the alleged un-authorized mining of minerals. District Administration and Licensing Authority have not been involved. Accused/petitioners have not confessed their guilt before


**ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai**

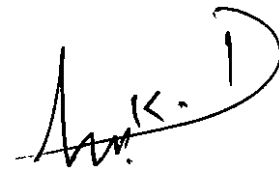
06/05/2024

the court. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be returned back to quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
06.05.2024



Zahir Khan
JMIC-I, Kalaya, Orakzai