

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

Bail Petition .....65/4 of 2024.

Date of institution.....17.08.2024.

Date of decision.....21.08.2024.

Case FIR No. 71, dated 04.08.2024, U/S 11-A CNSA & 05 Explosive Substances Act,  
PS Kalaya, District Orakzai

**Order – 02**  
21.08.2024

Counsel for accused/petitioner present. None present for the state despite service. Record received. Arguments of counsel for accused/petitioner heard and record perused.

Accused/petitioner namely Muhammad Fayaz S/O Lateef Khan R/O Qaum Feroz Khel, Goen, Orakzai is seeking his post arrest bail in case FIR No. 71 dated: 04.08.2024, U/S 11-A CNSA & 05 Explosive Substances Act, PS Kalaya, Orakzai.

Perusal of record reveals that recovery of 40-grams ICE and one hand grenade bearing No. 15-84/996 has been effected from the direct and personal possession of the accused/petitioner. The offence is heinous in nature and affects the society at large. The punishment for offence u/s 05 Explosive Substances Act falls within the ambit of prohibitory clause of section 497 Cr.PC. Although, the offence u/s

ZAHIR KHAN  
Civil Judge, JM  
Kalaya Orakzai  
21/08/2024

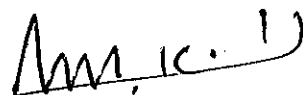
11-A CNSA for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence. Deeper appreciation of evidence is not permissible at bail stage and the tentative assessment of the record on file leads this court to the conclusion that a prima facie case exists against the accused/petitioner and he is not entitled to the concession of post arrest bail.

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:**

21.08.2024



**ZAHIR KHAN**  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai