

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

Bail Petition .....66/4 of 2024.

Date of institution.....19.08.2024.

Date of decision.....20.08.2024.


Case FIR No. 79, dated 15.08.2024, U/S 11-A CNSA, PS Kalaya, District Orakzai

**Order – 02**  
20.08.2024

APP for the state present. Brother of accused/petitioner Muhammad Umar and relative of accused/petitioner Ahmad Shah present. Record received. Written arguments on behalf of counsel for accused/petitioners submitted. Arguments of APP for the state heard and record perused.

Accused/petitioners namely Muhammad Umar S/O Multan Sher and Ahmad Shah S/O Sahib Shah both R/O Qaum Mishti Orakzai are seeking their post arrest bail in case FIR No. 79 dated: 15.08.2024 U/S 11-A CNSA, PS Kalaya, Orakzai.

Perusal of record reveals that recovery of 80-grams and 50 grams ICE has been effected from the direct and personal possession of the accused/petitioners. The offence is heinous in nature and affects the society at large. Although, the offence u/s 11-A CNSA for which accused/petitioners are charged, does not fall within the ambit

  
ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai  
20/08/2024

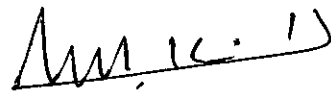
of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioners for grant of bail as there is sufficient material available on record connecting the accused/petitioners with the commission of the offence. Deeper appreciation of evidence is not 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/petitioners.

Consequently, the post arrest bail application of accused/petitioners 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:**

20.08.2024



**ZAHIR KHAN**  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai  
20/08/2024