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

Bail Petition73/4 of 2024.
Date of institution.....31.08.2024.
Date of decision.....03.09.2024.

Order.02
03.09.2024

APP for the state present. Counsel for accused/petitioners present. Complainant Inspector Muhammad Yasir present. Attested W/N submitted. Record received. Arguments heard and case file perused.

Accused/petitioners namely Almas Khan S/O Mukarab Khan, Muhammad Sohail S/O Kaseer Khan and Zakir Ullah S/O Abdul Rasheed are seeking their post arrest bail in case FIR No.76 dated: 08.08.2024 U/S 56/42 of The Khyber Pakhtunkhwa, Mineral Sector Governance Act, 2019, Police Station Kalaya, District Orakzai.

Record shows that the accused/petitioners are charged for unauthorized mining u/s 56 of the Khyber Pakhtunkhwa, Mineral Sector Governance Act, 2019. 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 an exception. No extra ordinary circumstances exist to justify departure from the said rule. Nothing incriminating has been recovered from possession of accused or on

M. (c.c.)
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai
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their pointation. No vehicle or loaded minerals have been recovered from the spot. Accused/petitioners have not been arrested at the spot and the source of information regarding involvement of accused/petitioners in the commission of offence has not been disclosed by the complainant. Accused/petitioners have not confessed their guilt before 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:
03.09.2024



Zahir Khan
JMIC-I, Kalaya, Orakzai