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

Bail Petition 75 /4 of 2024.

Date of institution.....10.09.2024.

Date of decision.....14.09.2024.

Order.04
14.09.2024


APP for the state present. Counsel for accused/petitioner present.

Record already received. Arguments heard and case file perused.

Accused/petitioner namely Niknab Ali S/O Jamshid Ali R/O Qaum Mani Khel, Tehsil Lower Orakzai is seeking his post arrest bail in case FIR No.66 dated: 30.07.2024 U/S 11-A CNSA, & 15-AA Police Station Kalaya, District Orakzai.

Although, recovery of 35 grams ICE and one 30 bore pistol has been effected from the direct possession of accused/petitioner, however, offence u/s 15-AA is bailable while punishment for the offence u/s 11-A CNSA 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 the departure from the said rule. There is no criminal history of accused/petitioner. FSL report is not placed on file. Accused in behind the bar since 30.07.2024 and complete challan is yet to be put in court. Case of accused/petitioner is one of further inquiry. Investigation has already

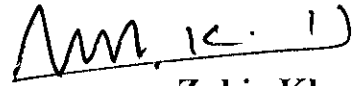
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai


14/09/2024

been completed and accused/petitioner is no more required to the local police for investigation.

Resultantly, application in hand is allowed. Petitioner 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. The requisitioned record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
14.09.2024



Zahir Khan
JMIC-I, Kalaya, Orakzai