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IN THE COURT OF ABDUL BASIT
ADDITIONAL DISTRICT & SESSIONS JUDGE-II
JUDGE SPECIAL COURT, ORAKZAI

Case Title: Muhammad Fayaz Vs State

Order No. 01
28.08.2024

Post arrest bail submitted by Counsel Irfan Khatak Advocate. It be entered in the relevant register.

Notice be issued to the prosecution/ complainant. Record be requisitioned.

Put up on 29.08.2024.

Abdul Basit
Addl. Sessions Judge-II
Orakzai

IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI

Petition No. 88/4 of 2024

"Muhammad Fayaz ... versus ... The State"

Order---02
29.08.2024

Counsel for accused/petitioner is present.

DyPP for State is in attendance. Record received.

Accused/petitioner Muhammad Fayaz s/o Lateef Khan seeks his post arrest bail in case FIR No. 71 dated: 04.08.2024 under sections 5-Explosive Substances Act and 11-A of KP CNSA of Kalaya Police Station, Orakzai.

Concise facts of the case are that complainant along with other police officials during routine patrolling of the area on finding a person suspicious stopped him; that during his personal search, police recovered a hand grenade no. 15-84/996 from front right side pocket of his jacket; that the police called BDU Staff to defuse recovered hand grenade; that upon further search, police recovered a white color plastic envelop containing 40 grams Ice from left side pocket of his jacket; that 01 gram Ice was separated and packed in parcels no. 01 for FSL and the balance Ice 39 grams was packed and sealed in parcel no. 02; that Ishtiaq HC and Javid Ali HC of BDU Staff came to the spot and hand grenade was handed over to them,

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who made it protected; that the hand grenade was sealed into parcel no. 3 for taking the same to BDU Unit Peshawar; that videography of the recovery proceedings made through cell phone was saved in USB, which was sealed in parcel no. 4; that upon cursory interrogation, the person disclosed his name as Muhammad Fayaz son of Lateef Khan who was arrested on the spot, hence, the FIR.

Arguments heard and record perused.

This is tentative assessment of record available on file as the deep appreciation of case file is neither required nor warranted at this stage. Record provides that the local police has recovered Ice, a deadly substance, and hand grenade from the direct possession of accused that has been supported with ocular evidence of the witnesses recorded on memorandum of recovery. That the offence carries the maximum punishment, which also falls within the ambit of restrictive clause of section 497 Cr.PC. The arrest of accused/petitioner on the spot and recovery of narcotics/Ice connects the accused/petitioner with the commission of offence of heinous offence; therefore, the Court is not inclined to extend him concession of bail, hence, the application is **dismissed**. Copy of this order be placed on police and judicial files.

Requisitioned record is returned to quarter concerned and file of this court consigned to record room after necessary completion and compilation.



Announced
29.08.2024

(Abdul Basit)
Addl. Sessions Judge-II, Orakzai