

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

Bail Petition 56/4 of 2024.

Date of institution.....26.07.2024.

Date of decision.....29.07.2024.

Mr. Sana Ullah Advocate, counsel for accused/petitioner.

APP for the state

Order.03

29.07.2024

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

Record received. Arguments heard and case file perused.

Accused/petitioner namely Niamat Ullah S/O Aqal Jan R/O Qaum Feroz Khel, Tappa Ghairat Khel, Lower Orakzai is seeking his post arrest bail in case FIR No.58 dated: 12.07.2024 U/S 11-A CNSA, & 15-AA Police Station Kalaya, District Orakzai.

The offence u/s 15-AA is bailable while punishment for 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. Accused/petitioner has not confessed his guilt before the court. Accused is behind the bar since 12.07.2024. No interim or complete challan is put in court against the accused by the prosecution. FSL report is also not placed on file. Investigation has already been

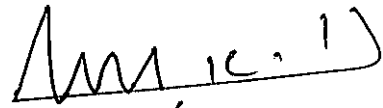
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai



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:
29.07.2024



Zahir Khan
JMIC-I, Kalaya, Orakzai