

(B)

BA No. 76/4 of 2024

NUSRAT AMEEN VS THE STATE

FIR No. 54, Dated 26.09.2024, u/s 419/420/471 PPC, Police

Station: Mishti Mela

**IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE, ORAKZAI AT BABER MELA**

Bail Application No : 76/4 of 2024
Date of Institution : 02.10.2024
Date of Decision : 07.10.2024

NUSRAT AMEEN VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali Advocate for accused/petitioner present. Record received. Arguments heard and record gone through.

2. The accused/petitioner, **Nusrat Ameen** s/o Storzai Khan, after being refused to be released on bail vide order dated 30.09.2024 of learned Judicial Magistrate-I, Tehsil Kalaya, District Orakzai, seeks his post arrest bail in case FIR no. 54, dated 26.09.2024, u/s 419/420/471 PPC of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant along with other police officials during routine patrolling were present on the spot where at about 1930 hours a person was stopped on the basis of suspicious who disclosed his name as Nusrat Ameen, the present accused/petitioner. The accused/petitioner identified himself as a CTD official by showing a computerized service card; which on verification from concerned branch, was found forged. Hence, the present FIR.

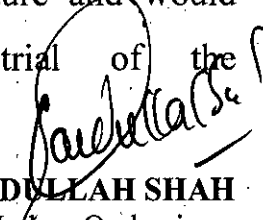
3. Learned counsel for defense argued that the accused/petitioner has falsely been implicated in the instant case, that nothing has been recovered from possession of the accused/petitioner. Learned DPP for the state put forward his arguments that the accused/petitioner is directly nominated in the FIR and recovery of forged CTD service card has been


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made from the spot which connect the accused/petitioner with the commission offence.

4. In light of the arguments advanced by the learned DPP and counsel for the accused/petitioner, record gone through which shows that though the accused/petitioner is directly nominated in the FIR but the offence for which the accused/petitioner is charged does not fall within the prohibitory clause of section 497 Cr.P.C. Moreover, the accused/petitioner is a police official and there is no previous history of the accused/petitioner in such like cases. The accused/petitioner has remained in police custody for 01 day but no confession or admission has been made by the accused/petitioner. All the aforementioned circumstances throw the case of the accused/petitioner within the ambit of further inquiry.
5. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 80,000/- with two sureties, each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means.
6. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Record be returned with copy of this order be placed on judicial/police record.
7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 07.10.2024


SYED OBAIDULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela

