

IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,  
ORAKZAI AT BABER MELA

BBA No : 11/04 of 2025  
Date of Institution : 08.01.2025  
Date of Decision : 16.01.2025

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Order No. 02  
16.01.2025

Sr. PP, Abul Qasim for the State present.

Accused/petitioners Muhammad Tariq S/O Jalal Gul,  
R/O Feroz Khel, District Orakzai along with Sanaullah  
Khan Advocate present. Record received. Arguments  
heard.

(2). Accused/petitioner Muhammad Tariq is seeking  
confirmation of his ad interim pre-arrest bail in case  
FIR no. 30, dated 29.09.2023, U/S 56 of the Mines and  
Minerals Act, 2017 of Police Station Kalaya.

(3). Facts of the case as per Murasila written on  
printed proforma are that complainant Royalty  
Inspector namely Muhammad Yasir reported that  
accused/petitioner along with other co-accused were  
found involved in illegal mining on 29.03.2023 at  
11:00AM. The printed Murasila is signed by three  
mineral guards as witnesses and was sent to SHO PS  
Kalaya for registration of FIR.

(4). After hearing arguments, available record  
perused which shows that Murasila has been wrote  
upon the printed proforma wherein the blank spaces  
are filled by the complainant without mentioning the  
nature of mining. The report is also silent about the

  
16.1.25  
BAKHT ZADA  
Addl: District & Sessions Judge-1,  
Orakzai at Hangu

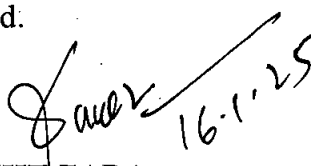
presence of the accused/petitioner at the spot. No recovery of any machinery has been effected from the place of occurrence which could be attributed to the accused/petitioner. It is mentioned in the challan that the accused/petitioner along with co-accused were transporting the limestone minerals without official permission, but no minerals i.e., limestones have been recovered by the minerals department or the police. In absence of any recovery of mineral or machinery and arrest of the accused from the spot makes the case of present accused/petitioner one of further inquiry.

**As reported in the judgment 2023 PCRLJ, 468 citations (d) if an accused has a good case for post arrest bail, then mere at the wish of complainant, he cannot be sent behind the bar for few days by dismissing his application for pre arrest bail.**

In view of above discussion and in absence of any incriminating recovery the possibility of false implications of the accused/petitioner cannot be ruled out, therefore, I hereby accept the instant BBA petition. Ad-interim bail earlier granted to the accused/petitioner is confirmed on the strength of existing bail bonds.

- (5). Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned back to the quarter concerned.

**Announced**  
16.01.2025

  
**BAKHTZADA**  
Additional Sessions Judge-I, Orakzai  
at Baber Mela