

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

Bail Application No : 5/4 of 2025  
Date of Institution : 03.01.2025  
Date of Decision : 07.01.2025

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Order No. 02

07.01.2025

Sr. PP, Abul Qasim for the State present. Mr.

Abid Ali Advocate for the accused/petitioner present.

Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Jawad Hussain (Syed Jawad Hussain) S/O Syed Muhammad Jalal and 2. Syed Wajid Hussain S/O Saidan Jan both R/O Caste Bar Muhammad Khel, District Orakzai are seeking their post arrest bail in case FIR No. 70, Dated 29.12.2024, U/S 16AA/34, registered at Police Station Kurez Boya.

3. Facts of the case as per Murasila are that complainant Islam Ali ASHO sent Murasila, recovery memo and card of arrest to the PS through constable Baqir Ali No. 592, to the effect that complainant along with other police officials and driver during patrolling laid barricade at the place of occurrence Sipoye Naka Mela chowk on 29.12.2024. At 1730 hours a Flying Coach bearing registration No. C-1068/Dir, yellow colour coming from Zerra side was stopped for checking. The driver disclosed his name as Syed Wajid Hussain S/O Saidan Jan. Nothing incriminating was

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**BAKHT ZADA**  
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recovered during his body search. The person present on the front seat was deboarded, who disclosed his name as Jawad Hussain S/O Muhammad Jalal and nothing incriminating was recovered during his body search. On further checking, 30 boxes containing 12.7 bore ammunition were recovered. The opened box was consisted of 58 live rounds, while the remaining 29 boxes were opened through plier and each box was consisted of 55 live rounds and the total came to be 2523 live rounds. No legal justification or license in respect of the ammunition was produced at the spot. Both the said above mentioned persons stated to be the owners of recovered ammunition. All the boxes were sealed into parcels No. 1 to 30. Video of the process was prepared through Mobile phone which was converted into USB and sealed the same into parcel No. 31. The same were taken into possession. The accused were arrested. Murasila along with recovery memo and card of arrest were sent to PS for registration of FIR and hence, the instant bail petition.

4. Arguments heard and available record perused which shows that a huge quantity of lethal and dangerous ammunition has been recovered from the possession of the accused/petitioners. The gravity of offence can be measured in the present law and order situation, particularly in the newly merged areas and keeping in view the situation at the adjacent district is very high which has consumed up lives of hundreds of

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innocent people. There is no justification for a common man to have possession of such a huge quantity of HMG ammunition which is not usually kept in the ordinary circumstances. The accused are directly charged in the FIR. No malafide is alleged against the police for false involvement of the accused/petitioners. The offence carries a minimum penalty/punishment of 10 years which falls under the prohibitory clause of Section 497 Cr. PC.

5. In view of the record and what has been discussed above, this court is not inclined to release the accused/petitioners on bail. I, therefore, decline the instant bail petition.

6. 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 requisitioned record be sent back to the quarter concerned forthwith.

**Announced**  
07.01.2025

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**BAKHT ZADA**

Additional Sessions Judge-I/JSC, Orakzai  
at Baber Mela