

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT
BABAR MELA

BA No. 53 of 2020
Muhammad Alam Vs State

ORDER
19.09.2020

Najeeb Ullah uncle of accused/petitioner present for accused/petitioner and submitted written arguments of counsel for accused/petitioner. Syed Amir Shah APP for the State present.

Accused/petitioner Muhammad Alam s/o Abdul Raheem r/o Baland Khel Masti Khel Upper Orakzai seeks his post arrest bail in case FIR No. 41 dated 16/09/2020 u/sec 15-AA PS Upper Orakzai (Ghiljo) wherein from the possession of accused/petitioner one Kalashnikov with chargers and lived rounds were recovered without license.

Written arguments of the learned counsel for the accused/petitioner and arguments of learned APP for the state heard and record perused.

The tentative assessment of record would evince that both the witnesses to the recovery memo are police officials therefore there is no apprehension of any tempering with the prosecution evidence if the accused is released on bail. The accused/petitioner is first offender and there is no history of his involvement in such like case. The offence for which the accused/petitioner is charged does not fall within the prohibitory clause of section 497 Cr.P.C wherein the grant of bail is a rule and refusal is an exception however no exceptional ground exist to refuse bail to the accused/petitioner. The accused/petitioner is no more


SHAIKAT ALI
Add: District & Sessions Judge
Orakzai at Hangu

required for any further investigation to the police therefore it will bear no useful purpose to keep the accused behind the bars.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioner is ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 80, 000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
19.09.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela