

IN THE COURT OF ASGHAR SHAH, SESSIONS JUDGE, ORAKZAI

B.A No. : 13/19 OF 2019
DATE OF INSTITUTION : 12.06.2017
DATE OF DECISION : 14.06.2019

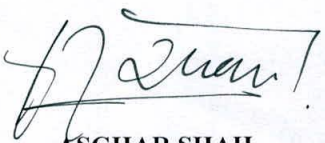
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Najeeb Khan etc Vs. The State

Order No.02
14-06-2019

- (1)- Counsel for the accused/ petitioners and learned DPP for the state present. Record received. Arguments heard. Record perused.
- (2)- Through this post arrest bail petition, accused/ petitioners Najeeb Khan s/o Mezar Gul; r/o village Malak Mela Uthman Khel and Syed Abbas s/o Syed Qasim; r/o Lower Orakzai section Bar Muhammad Khel seek their release on bail in case FIR No.6 dated 02-06-2019, U/sec 5 of the Explosive Substances Act of PS Lower Orakzai wherein they are charged for recovery of two hand grenades.
- (3)- From the arguments and record available on file, it reveals that the case was registered on the application of local elder namely Malak Najmul Hassan, who has not only arrested the accused, made the subject recovery but also requested for the registration of FIR. It was not explained as to how and why a private person performed the duties of the local police without any sanction or permission. The absence of record of previous involvement/conviction of accused/petitioners, non-availability of FSL report pertaining to the working capability of the recovered hand grenades and absence of confession on the part of accused/petitioners would attract further inquiry to the case of accused/petitioners and their case is arguable for the purpose of bail.
- (4)- Accordingly bail petition in hand is accepted and the accused are admitted to bail subject to furnishing bail bonds to the tune of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of this court. Sureties must be local, reliable and person of means.
- (5)- File be consigned to record room after necessary completion and compilation.

Announced
14.06.2019



ASGHAR SHAH,
District & Sessions Judge,
Orakzai (at Hangu)

14-06-19