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IN THE COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI

Bail Petition 06/BA of 2025.

Date of institution.....07.01.2025

Date of decision.....10.01.2025.

Order.04
10.01.2025

Dy.PP for the state present. Counsel for accused/petitioner present.
Record received. Arguments heard and record perused.

Accused/petitioner namely Shah Nawaz S/O Zahir Gul R/O Qaum Feroz Khel, Mir Bak, Tehsil Lower, Orakzai is seeking his post arrest bail in case FIR No.115 dated: 02.12.2024 U/S 11-A CNSA, Police Station Kalaya, District Orakzai.

It is alleged in the FIR that recovery of 45-grams ICE was effected from the direct possession of the accused/petitioner. FSL report is placed on main file as per which the sample sent to FSL is Methamphetamine (ICE).

Defense counsel submits that his client considers the entire episode malicious, an outcome of collusion between some police officials and his estranged relatives. Counsel adds that it has become a common practice to put innocent people behind bars at the instance of local influential. He further adds that these complainant-less cases involving small quantities have a general reputation of being fabricated.

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The offence for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC.

Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and the nature and gravity of the alleged offence makes the accused person a flight risk or threat to the community, is bail to be withheld.

In the given circumstances, when there is so much to inquire into the allegations, the court is inclined to admit the accused person to bail subject to payment bonds to the tune of Rs.70,000/- with sureties in the like amount to the satisfaction of this court.

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

ANNOUNCED:
10.01.2025



Ijaz Mahsood
Senior Civil Judge/JM, Orakzai