

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
AT BABER MELA


Bail Application No. : 128/4 of 2025
Date of Institution : 10.09.2025
Date of Decision : 12.09.2025

ORDER

Sana Ullah Khan Advocate for accused/petitioner and Sr. PP, Abul Qasim for the State. Record received. I heard arguments and perused the record.

2. Accused/petitioner, **Umar Hayat** s/o Naimat Khan seeks his post-arrest bail in case FIR No. 99, Dated 28.08.2025 registered u/s 15 of the Khyber Pakhtunkhwa Arms Act of Police Station Kalaya. As per contents of FIR, the complainant, Imtiaz Khan SHO along with other police contingents during routine surveillance of the area were present on the crime scene where a person having walking on foot with a Kalashnikov hanging on his right shoulder arrived there at 1750 hours. He was overpowered. The complainant recovered the Folding Butt Kalashnikov bearing No. 1954-XE2882 along with a fixed charger containing 09 live rounds. Hence, the present FIR.

3. After hearing both the parties and perusal of the record, it was found that though the accused/petitioner is directly nominated in the FIR


Haq Nawaz
Sessions Judge
Orakzai at Baber Mela

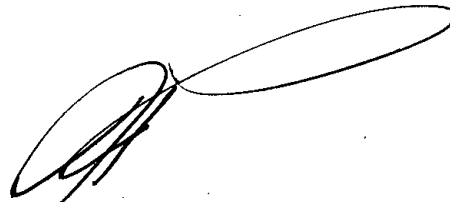
UMAR HAYAT VS THE STATE

FIR No. 99, Dated 28.08.2025, u/s 15 OF THE KP ARMS ACT,
POLICE STATION: KALAYA

but the offence does not fall within the prohibitory clause of Section 497 of the Criminal Procedure Code, 1898. The accused/petitioner has remained in the police custody for 01-day but no admission of confession has been made by him. The report of the Arms Expert is not available on file as to confirm that whether the recovered arms and ammunitions were in working condition or otherwise.

4. Hence, in view of above, the accused/petitioner is admitted to bail subject to submission of bail bonds to the tune of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of this Court. The sureties must be local, reliable and men of means.
5. Copy of this Order be placed on police/judicial file. File of this Court be consigned to record room after its necessary completion and compilation.

Announced:
12.09.2025



(HAQ NAWAZ)
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela