

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

BA No. 42/4 of 2023

Madah Khan Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	15/05/2023	Mr. Asad Ijaz advocate represented accused/petitioner and Nisar Ahmed Khan APP for State are in attendance. Record received and arguments heard; whereas, this is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Madah Khan. 2. Accused/petitioner Madah Khan s/o Essa Nabi r/o Usterzai Bala District Kohat seeks his post arrest bail in case FIR No. 49 dated 09/05/2023 registered under section 15 of KP Arms Act, 2013 in Police Station Kalaya, Orakzai; wherein, from the possession of accused/petitioner one Kalashnikov along with 60 cartridges of 7.62 bore have allegedly been recovered. 3. Arguments of the learned counsel for the accused/petitioner and learned APP for the State heard and record perused. 4. The tentative assessment of record reveals that no FSL or armorer report is so far not available to show that the alleged rifle was in working condition or not; which, renders the case as that of further inquiry. 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 Code of Criminal Procedure, 1898; wherein, the grant of bail is a rule and refusal is an exception. The accused/petitioner is no more required for any further investigation to the police; therefore, it will bear no useful purpose to keep the accused


 ASAD IJAZ WAZIR
 Advocate & Sessions Judge
 Orakzai District

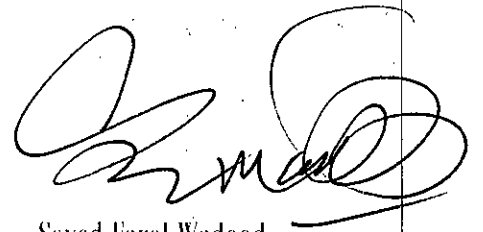
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behind the bars.

5. 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.

6. File of this Court be consigned to District Record Room after its necessary completion and compilation with in the span allowed for; whereas, record be returned with the copy of this Order.

7. Announced in open Court.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela