

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

(3)

Case Title: Mair Ali and others 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 No. 03	29.05.2025	Sr.PP for the state present. Accused/petitioners through counsel present. Record received. The petitioners namely (1) Mair Ali and (2) Awan Ali have applied for their post arrest bail in connection with case FIR No. 24, Dated: 22.05.2025, U/S 11(1)(2)KP,CNSA, registered in PS: Kurez Boya, L/Orakzai. Facts as recounted in the FIR are that on 22.05.2025 at about 15:30 hrs, SHO stopped the accused persons, and upon body search found contraband as detailed below. Accordingly, he charged accused Mair Ali for possession of a 45 gms Ice. The co-accused namely Awan Ali was charged for possession of 30 gms ice; hence the instant FIR was registered against the accused. Defense counsel insinuated that the version is too smooth and even to be true. He contends that his clients were never in possession of the contrabands, and that they were maliciously implicated for other reasons and motives. He stated that there no FSL report available on file. No witness of a neutral character as envisioned by section 103 has been attached. Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and

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Order No. 03 continued	29.05.2025	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 persons to bail subject to payment bonds to the tune of Rs.70,000/- with 02 sureties each in the like amount to the satisfaction of this court. File be consigned to the record room after its necessary completion and compilation. <u>Announced</u> 29.05.2025  Ijaz Mahsood Senior Civil Judge/JM, Orakzai (at Baber Mela)
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