IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition .....40/4 of 2023.

Date of institution.....11.05.2023.

Date of decision.....12.05.2023.

Mr. Asad Ijaz Advocate for accused/petitioner

Order – 02
12.05.2023

None present for the state. Learned counsel for accused/petitioner present. Record received. Arguments heard and record perused.

Accused/petitioner namely Madah Khan S/O Esa Nabi R/O Ustarzai Bala, District Kohat is seeking his post arrest bail in case FIR No.49 dated: 09.05.2023 U/S 15-AA, PS Kalaya, Orakzai.

Perusal of record reveals that recovery of Kalashnikov and 60 cartridges of 7.62 bore has been effected from the direct possession of the accused/petitioner. Although, the offence with which the accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the

12/05/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

offence. Offence is heinous in nature. In the given circumstances the accused/petitioner is not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

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

ANNOUNCED:
12.05.2023

Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai