

Judgment Sheet
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

Cr.M (BA) No. 611-P/2015.

JUDGMENT

Date of hearing. 14.4.2015

Petitioner (Inamullah) By Mr. Matiullah Khan Marwat, Advocate.

State By Mr. Raheem Shah, AAG.

OAISER RASHID KHAN, J. Petitioner,

Inamullah Khan, seeks bail in case FIR No. 82 dated 18.3.2015 under sections 15-AA/ 16-AA, Police Station Lachi District Kohat after being refused the said relief by the learned courts below.

2. According to the FIR, on the eventful day Sadaat Khan SHO alongwith other police contingents were on gasht of the area when received spy information about the smuggling of huge quantity of arms and ammunicions from Dara Adam Khel to Bannu whereupon a nakabandi was laid on the spot and in the meanwhile, motorcar bearing registration No. V 8757 Sindh appeared which was stopped for the purpose of checking. Search of the motorcar led to the recovery of

huge quantity of arms and ammunitions, hence the FIR
ibid.

3. Learned counsel for the petitioner contended that the accused-petitioner is innocent and has been falsely implicated in the instant case; that there is no incriminating material available on the record to connect the accused-petitioner with the commission of the offence; that the story of the prosecution is concocted and against the real facts, hence the case being one of further enquiry the accused-petitioner is entitled to be enlarged on bail.

4. The learned State counsel opposed the grant of bail on almost similar grounds as mentioned in the impugned orders.

Arguments heard and available record perused.

5. The main thrust of the arguments of the learned counsel for the petitioner is that the offence for which the accused-petitioner is charged does not attract the prohibitory limb of section 497 Cr.P.C and thus the accused-petitioner is entitled to the concession of bail. I am afraid such contention of the learned counsel for the petitioner is not relevant in every matter and each case has to be decided on the basis of its own set of facts and circumstances. Reliance is placed on ***“Shameel Ahmad Vs. The State” (2009 SCMR 174)*** wherein it has been

held by the august apex court that grant of bail in cases not falling within the domain of prohibition clause of proviso to section 497 Cr.P.C is not a rule of universal application and each case has to be seen through its own facts and circumstances.

6. In the case in hand undoubtedly huge quantity of arms of various bores and similarly thousands of cartridges of different bores were recovered from the secret cavities of the vehicle driven by the accused-petitioner for which he could neither offer any proper explanation nor produce any valid permit. Moreover, in the present day scenario when terrorism and other related crimes have taken the whole country by storm, the carrying of such arms and ammunitions definitely raise eye-brows. Thus being prima facie linked with the commission of the offence, the accused-petitioner is held disentitled to the grant of bail. Resultantly, this bail application is dismissed.

7. Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided on its own merits after recording evidence.

Announced:

14.04.2015

****Qaseem****

J U D G E