

JUDGMENT SHEET  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
(Judicial Department)

**Cr.Misc.BA No.1343-P/2014**

Date of hearing: \_\_\_\_\_

Petitioner (s) : \_\_\_\_\_

Respondent (s) : \_\_\_\_\_

**JUDGMENT**

**ASSADULLAH KHAN CHAMMKANI, J.-**

Petitioner Khalid, seeks bail in case FIR No.555 dated 01.07.2015, registered under sections 15 and 17 Khyber Pakhtunkhwa Arms Act and section 7 Anti Terrorism Act, at Police Station Badhaber, Peshawar, wherein he is charged for having been found in possession of total 12410 live rounds of different bores from secret cavities of his vehicle bearing registration No.9917 KR-Sindh on 01.07.2015.

2. Arguments heard and record perused.

3. No doubt, the petitioner has allegedly been shown arrested red handed alongwith huge quantity of ammunitions of various bores, but no material whatsoever has been collected during investigation to show his nexus with any terrorist activities or his previous involvement in cases of terrorism. On query, learned AAG on behalf of the State, also fairly and frankly conceded that record is silent qua involvement of the petitioner in any terrorist activities or that the recovered ammunitions were being transported by him for the purpose of terrorism. In the above eventualities, applicability of S.7 ATA, requires further probe and it is a case of mere possession falls within the ambit of sections 15 and 17 of Khyber Pakhtunkhwa Arms Act, 2013, punishments of which do not fall within the Restrictive limb of S.497 Cr.P.C. and in such like cases bail is a rule and refusal thereof an exception. On the face of record, I see

no exceptional circumstance to clog the way of bail to petitioner.

4. Accordingly, this petition is allowed.

Accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs.3,00,000/- with two sureties each in the like amount to the satisfaction of learned Trial Court/Judge Special Court ATC, Peshawar. The sureties must be local, reliable and men of means.

**Announced**  
**27.08.2015**

**J U D G E**



