

IN THE PESHAWAR HIGH COURT,
PESHAWAR
 (Judicial Department)

Cr.Misc.BA NO.88-P/2016

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

ORDER

ASSADULLAH KHAN CHAMMKANI, J.- Petitioner

Ahmad Ullah, seeks bail in case FIR NO.1218 dated 30.12.2015, registered under section 15 and 17 Khyber Pakhtunkhwa Arms Act, 2013 and S.7 Anti Terrorism Act, 1997, in Police Station Badh Ber, Peshawar, wherein a recovery of 100 pistols of different bores, have been shown recovered from secret cavities of his flying Coach bearing registration No.C.1801 Bannu, by the local police on 30.12.2015 at 12.20 hours, which he allegedly was trafficking for the purpose of terrorism.

2. Arguments heard and record perused.
3. No doubt a huge lot pistols have been shown recovered from the vehicle of the petitioner, but no shred of evidence has been collected by the Investigating Officer to depict involvement of the petitioner in cases of terrorism or his nexus with any terrorists group or organization or

that he was trafficking the alleged recovered arms and to facilitate any act of terrorism, therefore, mere allegation of terrorism without any cogent and tangible evidence at the moment would not be sufficient to attract S.7 of the Anti Terrorism Act. At the most the case of the petitioner falls within the meaning of section 15 and 17 of the Khyber Pakhtunkhwa Arms Act, 2013, punishment of which does 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 the 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 local, reliable and resourceful sureties each in the like amount to the satisfaction of learned Illaqa Judicial Magistrate/MOD concerned.

Announced
28.01.2016

J U D G E

