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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI,
AT BABAR MELA

Criminal Misc application No.2/6 of 2020

Izat Khan Vs..... State

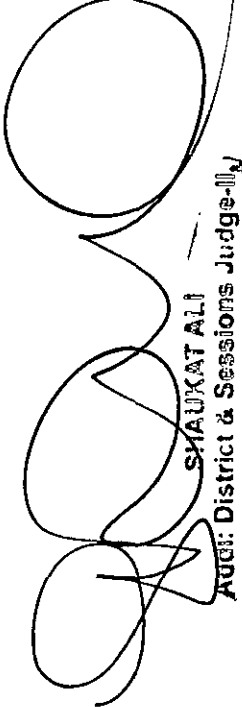
ORDER
02.04.2020

Shahab Khan Bangash Advocate, Learned counsel for the petitioner present. Umar Naiz DPP for the State present.

The petitioner Izat Khan s/o Syed Jamal r/o Stori Khel Village Anjani Lower Orakzai through the instant application seeking the return of Motor cycle CG-125 Engine No. 7622142 Chasis No. U804352 taken into possession by the police of PS Lower Orakzai in case FIR No.42 dated 04-12-2019 U/S 9(d) KP CNSA.

Arguments of learned counsel for the petitioner and DPP for the state heard and record peruse.

The record would reflect that there are no secret cavities in the Motor cycle and the contraband was allegedly recovered from the personal search of the accused charged for the commission of offence. The petitioner produced the original documents of Motor cycle in question which shows that the petitioner is the owner of the Motor cycle. There is no rival claimant of the Motor cycle and if the Motor cycle remained parked in PS there is a likelihood of its damage. The petitioner is not accused in the instant case and there is no possibility of any tempering with Motor cycle by the petitioner as no secret cavity is there in the Motor cycle. Furthermore the



SHAIKAT ALI
Addl: District & Sessions Judge-III,
Orakzai at Hangul

investigation the case is complete and the Motor cycle is no more required to the police. The copies of the documents placed on file.

In view of the above discussion the petition in hand is accepted and the Motor cycle is ordered to be returned to the petitioner subject to furnishing of surety bonds in some of Rs.200,000/- with two sureties each in like amount to the satisfaction SHO PS Lower Orakzai. The petitioner is directed to produce the Motor cycle when it is required before the court or to the local police and the petitioner shall not sell the Motor cycle till the conclusion of the trial. Copy of this order along with copy of application be sent to SHO PS concern for compliance.

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

Announced
02.04.2020


(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela
District & Sessions Judge
Orakzai