

**IN THE COURT OF SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA**

CNSA CASE NO. : **OF 2020**
DATE OF INSTITUTION : 26.11.2020
DATE OF DECISION : 26.11.2020
CASE TITLE : STATE VS KHAISTA MIR
U/S : 9 (d) KP CNSA
FIR NO : 4
DATED : 27.01.2020
POLICE STATION : LOWER ORAKZAI

Order No. 01
26.11.2020

DPP, Umar Niaz for the state present and submitted case file for filing of the same being untraced.

The local police, as per brief facts, upon receipt of information regarding the smuggling of narcotics laid naka-bandi near Syed Khalil Baba check-post. It was about 1830 hours when a motorcycle from Karghan side came to the spot having boarded two persons. When police officials signaled the motorcycle to stop, then they stopped the same at some distance and while leaving the motorcycle at the spot, successfully decamped from the spot while taking shelter of the darkness and dense forest. Upon attending the motorcycle, a plastic sack was found near the same which lead to the recovery of 4 packets chars, each weighing 1000 grams (total 4000 grams). The complainant separated 10 grams from each packet and packed and sealed the same into parcel no. 1 to 4 for chemical analysis of FSL Peshawar while the remaining quantity of chars was packed and sealed in parcel no. 5. Murasila was sent for registration of the case against unknown

—TRICT—

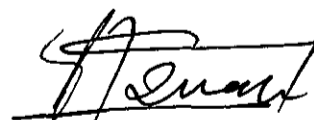
accused and accordingly, FIR no. 4 dated 27.01.2020, u/s 9 (d) CNSA of PS Lower Orakzai was registered.

Later on, when the report of the Excise and taxation department received then it transpired that the motorcycle was in the name of one, Khaista Mir. Accordingly, he was implicated in the instant case but he was not traceable and accordingly warrant 204 Cr.P.C was issued against him whereupon it was report that the said accused has died in August, 2020 and in this respect the copy of the death certificate of the accused is annexed with the judicial record. Hence, in the light of same, the local police and prosecution requested for the abatement of proceedings against the accused.

The request of the local police and prosecution, in the light of above, seems genuine, hence accepted and proceedings are hereby abated against the accused Khaista Mir being dead. The recovered chargs be destroyed whereas the recovered motorcycle be handed over to legal heirs of the deceased accused.

File be consigned to Session Record Room after its necessary completion and compilation.

Announced:
26.11.2020



(ASGHAR SHAH)

Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

26/11/20