

**Case Title: State VS Alla Baz**

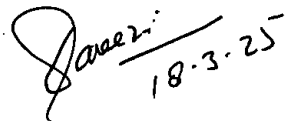
FIR No. 26, Dated: 21.04.2024, U/S: 9 (d) CNSA, PS: Kalaya

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1		3
Order No.02	18.03.2025	<p>Case file received from the Court of Hon'ble Sessions Judge, Orakzai. Be registered.</p> <p>Learned District Public Prosecutor has submitted an application for discharge of the accused u/s 4C (II), 5 (b) of the Prosecution Act, 2005, read with section 494 Cr. PC.</p> <p>Learned Sr. PP for the State present.</p> <p>Brief facts of the case are that complainant Shal Muhammad SHO of PS Kalaya sent Murasila through constable Wahid Ullah No. 320 for registration of FIR, to the effect that informer informed him a huge quantity of Chars will be smuggled on motorcycle through Anjani Bazar. On the said information he along with other police officials laid barricade on the main road near Mandrakhel Check Post. After a while a motorcycle appeared from Said Khalil side. the motorcycle was stopped. The driver disclosed his name as Hashmat Ullah s/o Khana Gul. During search nothing was recovered from him, while on checking the sack laying on the back seat of the motorcycle. Chars were recovered, which were weighed through digital scale and the same were found to be 20,000 grams. 10 grams from the said Chars separated for the purpose of sending to FSL for chemical analysis which were sealed into parcel no 1 while the remaining Chars weighing 19990 grams were sealed into parcel no. 02. Video of the occurrence was prepared by driver Zeshan No. 590, which is sealed into parcel no. 03. 03/03 seals of monograms "SH" were affixed on each parcel, while one seal of the same monogram was sealed inside each parcel. The motorcycle Honda-125, without chassis and scratched engine number, colour sky blue. The driver Hashmat Ullah s/o Khana Gul was arrested. His card of arrest was issued and hence the instant FIR.</p> <p>Later on, the present accused facing trial namely Alla Baz was charged by the main accused Hashmat Ullah in his statement u/s 161 Cr. PC, where after he got BBA from the court, which was recalled on 04.02.2025 and he was arrested and subsequently released on regular bail on 27.11.2024.</p> <p>The instant Challan is submitted.</p>

*Bakht Zada*  
18-3-25  
**BAKHT ZADA**  
Addl. District & Sessions Judge  
Orakzai at Hangu

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Contin- Order No. 02	<p>Arguments of the Sr. PP for the State heard on his application u/s 4C (II), 5 (b) of the Prosecution Act, 2005, read with section 494 Cr. PC. Record perused.</p> <p>The perusal of record shows that there is nothing on the case file to connect the accused facing trial with the commission of offence. Neither he is arrested at the spot, nor any recovery has been effected from his possession. He is charged by the main accused namely Hashmat Ullah in his statement recorded u/s 161 Cr. PC, which is not admissible evidence against him under in the law. The accused has not confessed his guilt before the police or the area Magistrate and there is no probability of the conviction of the accused due to non-availability on sufficient evidence collected against him. The ultimate result of the case will be acquittal of the accused facing trial even if the evidence mentioned in the Challan is recorded. Resultantly the instant application being based on reasons is hereby accepted and the accused Alla Baz is hereby discharged under section 4C (II), 5 (b) of the Prosecution Act, 2005, read with section 494 Cr. PC.</p> <p>Copy of this order be placed on the main case file while record of this court be consigned to record room.</p> <p><b><u>Order Announced</u></b> 18.03.2025</p> <p> <b>(BAKHT ZADA)</b> Addl: Sessions Judge-I, Orakzai at Baber Mela</p>
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