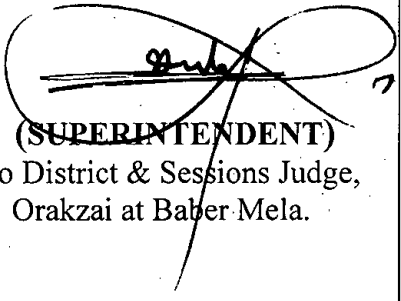
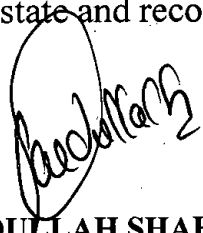
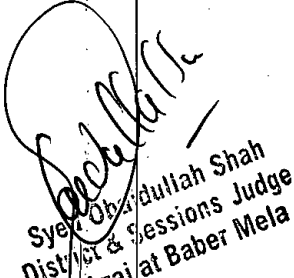
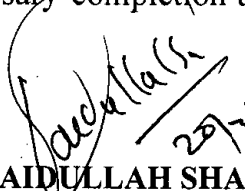


2
FORM OF ORDER SHEET

IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Ali Malang VS State

Serial No of order or proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Superintendent Note	19.03.2025	<p>Criminal Misc: Superdari petition presented by counsel, Sanaullah Khan Advocate to the office of Superintendent. Put up before Honorable District & Sessions Judge Orakzai, for further orders, please.</p> <p style="text-align: right;"> (SUPERINTENDENT) To District & Sessions Judge, Orakzai at Baber Mela.</p>
Order No.01	19.03.2025	<p>Registered. Notice be issued to the state and record be requisitioned for 20.03.2025.</p> <p style="text-align: right;"> (SYED OBAIDULLAH SHAH) Sessions Judge, Orakzai at Baber Mela</p>
Order No.02	20.03.2025	<p>DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for petitioner present. Petitioner Ali Malang is not in attendance. Record received.</p> <p>(2). The above-named petitioner seeks return of a motorcycle having Engine No. T037316 and Chassis No. EB703631 seized by the local police in the subject case FIR. According to the FIR, the complainant/Islam Ali ASHO along with other police personnel were on crime scene during routine patrolling, when at about 1200 hours the above-mentioned motorcycle boarded by two persons travelling from Kurez towards the crime scene, was stopped when the riders attempted to turn it back. Thirteen (13) packets of chars, each wrapped in yellow colour scotch tape and weighing 1000 grams, making a total of 13,000 grams were recovered from a bag placed in between the motorcyclists. The rider of the</p> <p style="text-align: right;"> Syed Obaidullah Shah District & Sessions Judge Orakzai at Baber Mela</p>

Serial No of order or proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p>Contin. Order No.02</p>		<p>motorcycle disclosed his name as Waqas Haider while the other person revealed his identity as Zaheer Ali.</p> <p>(3). Arguments heard and record gone through.</p> <p>(4). The bare reading of Section-34 A (2) of the Khyber Pakhtunkhwa Control of Narcotics Substance Act, 2019, prohibits the grant of custody of the motorcycle used in peddling or transportation of narcotics substance till the conclusion of the case. Yet, this prohibition is not extendable to the owner of motorcycle who has no hand and involvement in the crime. However, the petitioner could not produce the original registration documents of the motorcycle or any other document proving that the motorcycle is registered in his name or has been purchased by him. Although copies of certain documents have been filed with the petition but these are insufficient to draw any conclusions about the petitioner's connection to the motorcycle. Moreover, the motorcycle in question is also an important piece of evidence, which is allegedly used in the commission of offence in transportation of contraband, and thus, a case property, if returned to the petitioner, may result into wiping out the proof of source of travelling; hence, in attending circumstances, the petitioner is not entitled for return/Superdari of motorcycle in question and application in hands being devoid of merits is dismissed.</p> <p>(5). Order announced. File of this court be consigned to record room after its necessary completion and compilation.</p> <p>Dated: 20.03.2025.</p> <div style="text-align: right;">  (SYED OBaidULLAH SHAH) Sessions Judge, Orakzai at Baber Mela </div>

