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MUHAMMAD YASIN VS STATE
FIR No. 23, Dated: 23.04.2025, U/S 9(d) KP CNSA, PS Mishti Mela
IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

Petition No : 10/4 of 2025
Date of Institution : 02.05.2025
Date of Decision : 06.05.2025

ORDER NO. 03
06.05.2025

APP, Arif Akbar for the State present.

Petitioner Muhammad Yasin along with counsel present. Accused Abdullah also present. Record received. Arguments heard.

2. The petitioner namely, Muhammad Yasin S/O Hussain Khan, R/O Qaum Ali Khel, Tappa Shawas Khel, Village Kot Kalay, Upper Orakzai is seeking return of his motorcycle Honda 125cc Model 2018, bearing registration No. DGN-18-3574, Engine no. R165466, chassis No. EA847674 on superdari which is taken into possession of the local police of PS Mishti in case FIR No. 23, dated 23.04.2025, registered U/S 9(d) KP CNSA.

BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Hangu

[Signature]
6.5.25

3. Facts Facts of the case are that complainant Muhammad Younas SHO PS Mishti Mela sent Murasila to the PS through constable Fazal Hamced No. 1247 according to which on 23.04.2025 at 1600 hours on main road leading from Mishti Mela to Dabori, he along with constables Saleem Khan No. 1242, Fazal Hamced No. 1247 in a private vehicle were present at barricade. In the meanwhile, a motorcycle riding by one person coming from Dabori side having blue colour plastic bag in his lap was

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FIR No. 23, Dated: 23.04.2025, U/S 9(d) KP CNSA, PS Mishti Mela stopped on suspicion. His search was conducted and nothing incriminating has been recovered from his possession and on search of blue colour plastic sack, 02 packets Chars were recovered. On weighing through digital scale, it came out to be 1500 grams and 1000 grams respectively out of which 10 grams were separated from each packet for FSL and packed and sealed into parcel No. 1 & 2, while the remaining quantity was combined and packed and sealed into parcel No. 3. Video of the occurrence was prepared by constable Fazal Hameed and saved the same in USB which was sealed into parcel No. 4. All the parcels were affixed with 3/3 monogram of "MY" and 01/01 seal of the same seal of monogram was put inside all the parcels. Motorcycle red colour bearing registration No. DEN-3574/Punjab, engine No. R165466, chassis No. EA-847674 was also taken into possession. The accused/petitioner disclosed his name as Abdullah S/O Wasil Khan, R/O Qaum Ali Khel, Upper Orakzai who was found to be involved to be in the commission of the offence. His card of arrest was issued. Murasila, recovery memo and card of arrest were sent through constable Fazal Hameed No. 1247 for registration of FIR and hence the instant FIR.

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Fazal
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4. Arguments heard and available record perused which shows that the vehicle in question was taken into possession vide recovery memo dated 23.04.2025 which was purchased by the present petitioner on 25.11.2024 vide sale consideration dated 30.04.2025.

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Today, the petitioner recorded his statement and produced the original registration book and other registration documents. Original registration book, copy of sale deed, CNIC of petitioner and other registration documents are Ex. PA to Ex. PD. Accused also recorded his statement to the effect that he has borrowed the motorcycle of petitioner and he has got no objection if the motorcycle in question is returned to the petitioner on Superdari. There is apprehension of deterioration of the motorcycle in question if left unattended in the PS under the open sky for indefinite period, furthermore, it will serve no useful purpose if the same is kept under the custody of police, therefore, the instant application being genuine is hereby accepted subject to furnishing surety bonds worth Rs. 200,000/- with two sureties each in the like amount to the satisfaction of SHO PS concerned.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

Announced
06.05.2025


BAKHT ZADA

Additional Sessions Judge-1, Orakzai
at Baber Mela