

BEFORE THE COURT OF BAKHT ZADA
ADDL: SESSIONS JUDGE-I/JUDGE SPECIAL COURT,
ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 10/03 OF 2023
DATE OF INSTITUTION : 06.02.2025
DATE OF DECISION : 07.03.2025

STATE THROUGH SARDAR KHAN ASHO, POLICE STATION
KUREZ

.....(COMPLAINANT)

-VERSUS-

1. ROSHAN S/O AWID KHAN, AGED ABOUT 21/22 YEARS, R/O
CASTE STORI KHEL, TAZI KHEL, SHIRAZ GHARI, DISTRICT
ORAKZAI.
2. JUVENILE ACCUSED SHER KHAN S/O MASTA ALI KHEL R/O
BEZOT, DISTRICT ORAKZAI.

..... (ACCUSED FACING TRIAL)

Present: Sr. PP, Abul Qasim for the State.

FIR No. 63 Dated: 12.11.2024 U/S: 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kurez

JUDGMENT
07.03.2025

The above-named accused are charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019 vide FIR No. 63, dated 12.11.2024 of Police
Station Kurez Boya.

- (2). As per contents of FIR, the complainant,
Sardar Khan ASHO along with other police officials
namely Baqir Ali No. 592, Rahim Ali No. 492 and
driver Farhad Ali No. 562 in private vehicle made
barricade on main Sepoye road. During barricade a
motorcycle was coming from Zira side was stopped and


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on suspicion, two persons were debarked from the motorcycle. During body search of the accused nothing incriminating was recovered. While checking the bag on motorcycle, 04 packets of chars were recorded. Each packet was found to be 1000 grams on weighing through digital scale, while the bag was found to be 212 grams on weighing. 10 grams of Chars from each recovered packets was separated through sharp object for the purpose of FSL and sealed the same into parcels No. 1 to 04 while the remaining bulk of Chars i.e 3960 grams were sealed into parcel No. 05. Video of the occurrence was prepared through mobile phone owned by driver Farhad Ali No. 562, which was converted into USB and sealed into parcel no. 06. On stamp of "AA" was affixed on each packet while three stamps were affixed on each parcel. The driver of motorcycle disclosed his named as Sher Khan (Juvenile) s/o Mastali Ali Khel r/o Bezot, who admitted two packets of Chars of his ownership, while the second person disclosed his name as Roshan Khan s/o Awid Khan r/o Stori Khel and he admitted the remaining two packets' Chars to be his ownership. All the parcels along with motorcycle Honda-125 CC bearing Registration No. FB 5406/Kohan were taken into possession vide recovery memo, accused were arrested and their card of arrest



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was issued. Murasila was prepared and were sent to PS for registration of the case, hence the instant FIR.

(3). After completion of investigation, complete challan was put in court. The accused were summoned, who accordingly appeared before the court and submitted applications for disposal of their case on the basis of plead guilty waving of their rights provided u/s 265-C CrPC for the reasons; that they are daily wager and poor persons, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against them. Applications are placed on file.

(4). Arguments heard and record gone through.


(5). Perusal of the case file reveals that the each of the accused were claiming 2000 grams of chars each to be in his ownership; therefore, they are held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019. Hence, they are convicted of the offence. But as both the accused are first offender and the accused Sher Khan is juvenile and young age. There is no record of their previous involvement in such like offences; therefore, they must have a chance of repentance and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, their poor


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financial status and recovery of only 2000 grams of Chars from each of the accused has moved this court for taking a lenient view, instead of sentencing them at once, they are placed on probation for a period of one (01) year subject to the executing of bonds in the sum of Rs. 50,000/- with two sureties to the effect that the accused would commit no offence and to keep the peace and be of good behavior during the period of bond and to appear and receive the sentence, if called upon to do so during that period to the satisfaction of Probation Officer concerned. Case property i.e., Chars be destroyed in accordance with law after the period provided for appeal/revision. Motorcycle has already been returned on Superdari to real owner vide order dated 28.11.2024 by this court.

(6). Judgment announced. File of this court be consigned to record room after its necessary completion and compilation.


Dated: 07.03.2025


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Addl; Sessions Judge-I/Judge Special
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CERTIFICATE

Certified that this judgment consists of four (04) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 07.03.2025


(BAKHT ZADA)
Addl; Sessions Judge-I/Judge Special
Court, Orakzai at Baber Mela