

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

SPECIAL CASE NO. : 06/03 OF 2025
DATE OF INSTITUTION : 04.02.2025
DATE OF DECISION : 10.03.2025

STATE THROUGH MUHAMMAD ISHAQ KHAN SHO, POLICE
STATION DABOORI.

.....(COMPLAINANT)

-VERSUS-

1. ZAMAN KHAN S/O ZAREEN SHAH, AGED ABOUT 33/34
YEARS, R/O CASTE MALAK DIN KHEL, MAIDAN, DISTRICT
KHYBER.

..... (ACCUSED FACING TRIAL)

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

FIR No. 23 **Dated:** 30.12.2024 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Daboori.

JUDGMENT
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The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019 vide FIR No. 23, dated 30.12.2024 of Police
Station Daboori.

(2). As per contents of FIR, the complainant,
Muhammad Ishaq SHO along with other police
officials namely Shahid Gul No. 1714, Ajmal Khan No.
1664 and driver Muhammad Ayub No. 1691 in official
vehicle having barricade were present on the spot.
During barricade a motorcar (Ghawgi) bearing
Registration No. 7167/Khya of white colour came from
District Khyber side, was stopped for the purpose of

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checking. During search of the motorcar the local police recovered two packets of Chars, enclosing of white colour plastic shopper, wrapped in yellow colour solution tape, on weighting through digital scale each packet came out to be 900 grams of Chars while making a total of 1800 grams from the right-side Toll-box of the said motorcar. 10 grams of Chars was separated from each packet for the purpose of FSL, packed and sealed into parcels No. 1 to 2, while remaining quantity of Chars, weight 890/890 grams of Chars were packed and sealed into parcels No. 3 and 4. Video of the occurrence was filmed which saved into USB which was sealed into parcel No. 6. All the parcels were affixed with the monogram of "DB". Case property along with motorcar was taken into possession by the local police vide recovery memo. The driver of the motorcar disclosed his name as Zaman Khan s/o Zareen Shan r/o Malak Din Khel, Maidan, District Khyber, who was arrested and issued his card of arrest. Murasila was drafted and sent to the police station through constable Shahid Gul No. 1714 for registration of FIR and hence the present case.

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- (3). After completion of investigation, complete challan was put in court. The accused was summoned, who accordingly appeared before the court and submitted

applications for disposal of his case on the basis of plead guilty waving of his rights provided u/s 265-C CrPC for the reasons; that he is daily wager and poor persons, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against him. Application is placed on file.

(4). Arguments heard and record gone through.

(5). Perusal of the case file reveals that the local police recovered 1800 grams of Chars from the motorcar which was owned by the accused; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019. Hence, he is convicted of the offence. But as the accused is first offender. There is no record of his previous involvement in such like offences; therefore, he 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, his poor financial status and recovery of only 1800 grams of Chars from the accused has moved this court for taking a lenient view, instead of sentencing him at once, he is 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

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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. Motorcar has already been returned on Superdari to real owner Muhammad Shair Khan.

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

Dated: 10.03.2025

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Addl; Sessions Judge-I/Judge Special
Court, Orakzai at Baber Mela

CERTIFICATE

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

Dated: 10.03.2025

Shair 10-3-25
(BAKHT ZADA)
Addl; Sessions Judge-I/Judge Special
Court, Orakzai at Baber Mela