

**IN THE COURT OF MUHAMMAD JUNAID ALAM**  
**JUDICIAL MAGISTRATE-II, TEHSIL COURTS KALAYA,**  
**DISTRICT ORAKZAI**

Criminal case No. \_\_\_\_\_ of 2025, **FIR No. 80 Dated: 09.07.2025 U/S: 17/18 KP CNSA**  
**Police Station: Kalaya, Lower Orakzai**


State Vs Muhammad Anwar

**Order No.01**  
**09.10.2025**

Complete challan along with discharge application received from prosecution. Be entered. Accused Muhammad Anwar is on bail. Discharge application has been submitted by District Public Prosecutor. APP for the state was confronted with the same for arguments.

Record shows that complainant namely Shal Muhammad SHO has charged the accused namely Muhammad Anwar for commission of the offence U/S 17/18 KP CNSA vide FIR No. 80 dated 09.07.2025 of PS Kalaya.


As District Public Prosecutor has filed application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC. Prosecution has requested for discharge of the accused on the ground that there is no direct or circumstantial evidence available on file connecting the accused with the commission of the alleged offence. It is further contended that no incriminating article has been recovered from the possession or on pointation of the accused; no evidence is available to suggest that the accused was involved in dealing or trafficking narcotics substances either locally or abroad.

  
**MUHAMMAD JUNAID ALAM**  
 Civil Judge / JM-II  
 Orakzai at Kalaya

Learned DPP further submitted that no voice record has been obtained, and the FSL report of the mobile set allegedly recovered has not been received nor does any record substantiate the allegation that the accused had any nexus with the offence under the relevant provisions of KP CNSA. It is therefore contended that continuation of the prosecution would serve no useful purpose, and as such, permission may kindly be granted to withdraw from prosecution, and the accused be discharged accordingly.

Perusal of record reveals that the case was registered on the basis of secret information alleging that the accused was involved in the business of supplying narcotics and sending contraband abroad. However, during the course of investigation, no recovery of narcotics or any other incriminating material was effected from the accused. Likewise, no evidence such as call data record, FSL report, or voice record is available on file to substantiate the prosecution story.

No witness statement has been produced showing that the accused was seen dealing with narcotics or that he had any active role in the alleged illegal trade. The investigating officer has not produced any tangible material to connect the accused with the commission of offence. The learned DPP, being the statutory authority empowered under the Prosecution Act, 2005, after evaluation of the available record, has rightly formed an opinion that continuation of proceedings would amount to abuse of the process of law.

  
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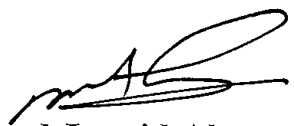
In view of the submissions made by the learned DPP and after perusal of the record, this Court finds that there is no sufficient material available on record warranting further continuation of prosecution against the accused. The opinion of the learned DPP appears to be based on sound reasoning and in accordance with law.

Accordingly, the application filed by the District Public Prosecutor under Section 4-C(ii), 5(B) of the Prosecution Act, 2005 read with Section 494 Cr. PC is allowed. Permission is hereby granted to the prosecution to withdraw from the case.

Consequently, the accused is discharged from the instant case FIR No. 80, dated 09.07.2025, registered under Sections 17/18 KP CNSA Police Station Kalaya.

File be consigned to record after due completion and necessary compliance.

**Announced:**  
09.10.2025

  
**Muhammad Junaid Alam,**  
Judicial Magistrate -II,  
Tehsil Court Kalaya, Orakzai