

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

Criminal case No. _____ of 2025, **FIR No. 84 Dated: 30.07.2025, U/S: 17/18 KP CNSA.**
Police Station: Kalaya, Lower Orakzai

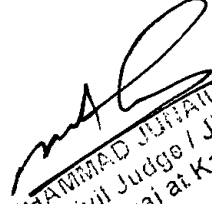
State Vs Said Nabi

Order No.01
17.10.2025

Complete challan along with discharge application received from prosecution. Be entered. Accused 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 Imtiaz Khan SHO have charged accused namely Said Nabi for commission of the offence in case FIR No. 84 Dated: 30.07.2025, U/S: 17/18 KP CNSA. Police Station: Kalaya, Lower Orakzai

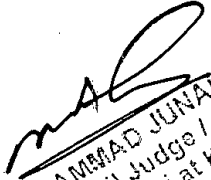
As District Public Prosecutor has filed application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC. Prosecution has requested for discharge of the accused on the ground that upon scrutiny of the record, no incriminating evidence has been found against the accused connecting him with the commission of the alleged offence. It is stated that no contraband or narcotic substance has been recovered from the possession of the accused, nor has any material surfaced during investigation to establish that the accused was involved in dealing with narcotics or selling contrabands abroad.


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The learned DPP further submitted that although certain allegations were levelled regarding the accused's involvement in international narcotics trafficking, no voice recording or telephonic data has been collected or produced to substantiate such claim. Moreover, the mobile phone allegedly recovered during investigation has not been sent to the Forensic Science Laboratory (FSL) for forensic examination or extraction of digital evidence. Consequently, there is no proof of any conversation, message, or transaction that could demonstrate the accused's nexus with narcotics dealings.

Perusal of the police record reveals that the entire case is based on mere suspicion and conjecture, unsupported by any admissible evidence. No independent witness has been cited, no recovery has been effected, and no documentary or digital material has been produced to substantiate the allegation of narcotics trade. It is a well-settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of proof, and in the absence of tangible evidence, continuation of criminal proceedings amounts to an abuse of the process of law.

Further, the prosecution has failed to maintain the chain of evidence or to produce any laboratory or expert report that could lend credibility to the investigation. The omission to send the mobile phone to the FSL for forensic analysis is a serious lapse, as it deprives the


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prosecution of the very evidence which could have corroborated the alleged communication regarding sale of contrabands abroad.

In view of the above circumstances, and keeping in mind the recommendation of the learned DPP that no sufficient evidence is available on record to connect the accused with the alleged offence, this Court is of the considered opinion that no prima facie case is made out against the accused. Proceeding with the trial in the absence of evidence would serve no lawful purpose and would unnecessarily burden the judicial process.

Accordingly, the application filed by the learned DPP is allowed, and the instant challan is hereby discharged. The accused stands released from the case and his sureties also released from liability.

Copy of the order be placed on police file as well as Judicial file. Instant file be consigned to record room after necessary completion and compilation.

Announced:
17.10.2025


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