

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

Case No. 06/3 of 2023

Date of Institution: 07.12.2023

Date of Decision: 28.11.2025

State through:

SI ANWAR KHAN POLICE STATION KALAYA, ORAKZAI.

.....**COMPLAINANT**

VERSES

ZEESHAN HADIER SON OF TAJAMAL HUSSAIN,
RESIDENT OF KALAYA ORAKZAI.

....**ACCUSED FACING TRIAL**

Present: ABID ALI ADVOCATE FOR ACCUSED
FACING TRIAL.

*Case FIR No. 101, Dated 02.11.2023 under section 11-A CNSA, police
station Kalaya, Orakzai.*

JUDGMENT: /order. 42
28.11.2025

Through this judgment the Court intends to dispose
of the instant case registered against accused Mandoob Ali and
Zeeshan Haider vide FIR No. 101, dated 02.11.2023 under
section 11-A CNSA, registered at Police Station Kalaya.

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Civil Judge / JM-II
Orakzai at Kalaya*

1. Brief facts as per contents of FIR are that SI Anwar Khan alongwith HC Alam Jan and constable Manzoor Ali belt no. 424 were on routine patrolling in official vehicle. SI/complainant received spy information that on the place of

occurrence, accused Mandoob Ali and Zeeshan Haider were present on the place of occurrence with huge quantity of ice, and are waiting for their clients. Upon said information complainant alongwith police officials reached to the place of occurrence and they were present there. The one person disclosed his name as Zeeshan. Upon his body search, complainant recovered and took into possession one plastic envelope in white color containing ice. On weighing through digital scale it came out 89-grams. One-gram was separated for FSL, which was packed and sealed into parcel no. 01 while the remaining stuff of ice i.e. 88-grams ice was packed and sealed into parcel no. 02, Ex. P-1. HC Alam Jan made videography of the occurrence through his mobile and converted into USB. Accused were charged for the commission of offence. SI/complainant took into possession the recovered substance through recovery memo which was Ex. PC. By affixing 3/3 seals of monogram with the name of NA while put 01/01 seals inside each parcel. Complainant charged the accused for the commission of offence. Complainant arrested the accused and issued their card for arrest. Murasila, card of arrest and recovery memo was sent to the PS for registration of the instant case through constable HC Alam Jan. Upon the same FIR bearing no. 101 dated 02.11.2023 under section 11-A CNSA, registered at Police

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Station Kalaya. After completion of investigation, SI submitted complete challan against the accused facing trial.

2. After completion of investigation, complete challan was submitted by prosecution against the accused facing trial.

3. Accused were summoned and legal formalities under Section 241-A Cr. PC was complied with. Accused were formally charged. They pleaded not guilty and claimed trial. However, later on, accused Mandoob Ali pleaded his guilt and was convicted and sentence for the period of 04- months.

Afterwards prosecution was directed to produce its evidence against the Zeeshan Haider.

4. Prosecution produced five (05) witnesses to prove its case against the accused facing trial.

5. PW-01 is the statement of SI Anwar Khan, which is reproduced as under. He stated on oath that on the day of occurrence he was posted as SI PS Kalaya. He alongwith Alam Jan HC, Manzoor Ali constable on ghust in official vehicle were present. He received spy information that accused Mandoob Ali and Zeeshan are present on the place of occurrence with huge quantity of ice and are waiting for their clients. Upon said information he alongwith aforementioned officials reached to the place of occurrence and they were present there. The one person disclosed his name as Zeeshan and upon his body search he recovered and took into

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possession through recovery memo in the presence of marginal witnesses, one plastic envelope in white color containing ice and weighting through digital scale it came out 89 grams out of which one gram separated for FSL, which is packed and sealed into parcel no. 01 while the remaining 88 grams ice packed and sealed into parcel no. 02, Ex. P-1, the second person disclosed his name as Mandoob Ali and upon his body search he recovered and took into possession one plastic envelope in white color from the side pocket containing ice and weighting through digital scale it came out 66 grams out of which one gram separated for FSL examination, which is packed and sealed into parcel no. 03 while the remaining 65 grams ice packed and sealed into parcel no. 04, Ex. P-2. The constable Alam Jan HC made video through his mobile and transferred it into USB which is packed and sealed into separate parcel no. 05, Ex. P-3. By affixing 3/3 seals of monogram with the name of NA on all the parcels and put one seal inside the parcels. He took into possession the recovered case property through recovery memo which is Ex. PC. He arrested both the accused and issued their card of arrest which is Ex. PW-1/1. Murasila was drafted by him on the spot which is Ex. PW-1/2. He sent card of arrest, recovery memo and Murasila to PS through HC Alam Jan for registration of the case. The IO prepared the site plan on his pointation. Today,

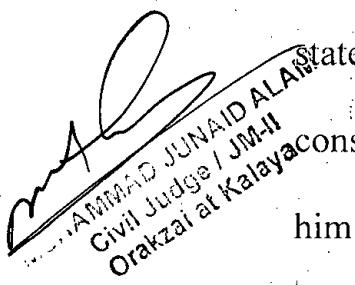


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he has seen all the above referred documents which are correct and correctly bear his signatures.

6. PW-02 is the statement of Moharrir Jameel Khan, which is reproduced as under. He stated on oath that on the day of occurrence, he was posted as Moharrir of PS Kalaya. He was present in my office, that constable Alam Jan HC brought the Murasila, card of arrest and recovery memo from Anwar Khan SI and he handed over to me and he registered the FIR on the strengthen of Murasila which is Ex. PA. After registration of FIR, he handed over copy of FIR alongwith other relevant documents to IO for investigation. Similarly, Anwar Khan SI handed over to me case property containing parcel no. 01 to 05 in sealed condition on his return to the PS. He made entry in register no. 19, copy of register no. 19 is Ex. PW-2/1. He kept the same in the PS Maal Khana for safe custody. On 04.11.2023, he handed over parcel no. 01 & 03 in sealed condition to IO for chemical examination. My statements were recorded by IO under section 161 Cr. PC.

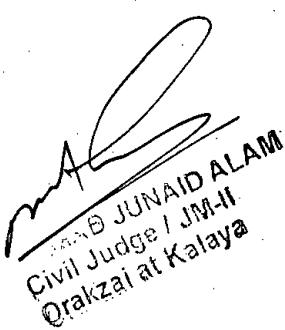
7. PW-03 is the statement of constable Iftikhar Hussain. He


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stated on oath that on the day of occurrence, he was posted as constable of PS Kalaya. On 04.11.2023, IO handed over to him parcel no. 01 & 03 in sealed condition containing case property alongwith application addressed to FSL Peshawar and road permit certificate which he took to FSL Peshawar.

Parcels were handed over to official of FSL Peshawar.

Receipt thereof, was given to him which he handed over to IO.

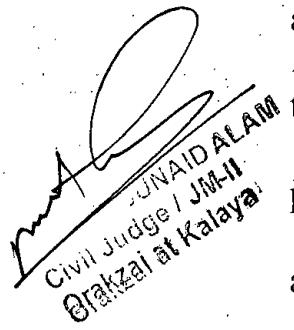
8. PW-04, is the statement Aftab Hassan SI/OII, which is reproduced as under. He stated on oath that on the day of occurrence, he was posted as OII of PS Kalaya. Copy of FIR and other relevant documents (in original) were handed over to me for investigation in the instant case. He proceeded to the spot and prepared site plan on the pointation of SI Anwar Khan/complainant. Site plan is Ex. PB. He also recorded statements of recovery witnesses under section 161 Cr. PC. On 03.11.2023, vide his application Ex. PW-4/1 applied for physical custody of the accused. 01-day custody was granted. Similarly, on the same day he produced the accused namely Zeeshan Haider before the Illaqa Magistrate for 14 days judicial remand, vide his application is Ex. PW-4/2, which was accepted and accused sent to Judicial Lockup Orakzai. On 04.11.2023, he produced the accused namely Mandoob Ali for recording his confessional statement under section 164/364 Cr. PC vide his application is Ex. PW-4/3. He also handed over the case property along with application for FSL and road certificate to Iftikhar Hussain who took the same to FSL Peshawar. Application for FSL is Ex. PW-4/4 and road certificate is Ex. PW-4/5. FSL report is received in positive



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which is Ex. PZ. He recorded statements of all the PWs including accused U/S 161 Cr. PC. He also annexed DD (consists of three pages) regarding departure and arrival of police officials from PS to spot and spot to PS which is Ex. PW-4/6. After completion of investigation, he handed over the case file to SHO for submission of complete challan.

9. **PW-05**, statement of HC Alam Jan, which is reproduced as under. He stated on oath that on the day of occurrence he was posted as HC PS Kalaya. He alongwith SI Anwar Khan and constable Manzoor Ali on patrolling duty in official vehicle were present in the area. SI Anwar Khan received spy information that accused Mandoob Ali and Zeeshan were present on the place of occurrence with huge quantity of ice and were waiting for their clients. Upon said information, they reached to the place of occurrence and accused were present there. The one person disclosed his name as Zeeshan and upon his body search SI Anwar Khan recovered and took into possession one plastic envelope in white color from the pocket of coat containing ice. On weighing through digital scale, it came out 89-grams ice. One-gram sample of ice was separated for FSL analysis, packed and sealed into parcel no. 01, while remaining stuff of ice i.e. 88-grams was packed and sealed into parcel no. 02, which is already Ex. P-1. The second person disclosed his name as Mandoob Ali and upon



his body search, SI Anwar Khan recovered and took into possession one plastic envelope in white color from the side pocket containing ice. On weighing through digital scale it came out 66-grams out of which one gram separated for FSL examination, which is packed and sealed into parcel no. 03 while the remaining 65-grams ice packed and sealed into parcel no. 04, which is already exhibited as Ex. P-2. He made videography of the occurrence through mobile and converted into USB, which is packed and sealed into separate parcel no. 05, which is already exhibited as Ex. P-3. The complainant affixed 3/3 seals of monogram with the name of NA on all the parcels while kept one sample monogram inside each parcel. SI Anwar Khan prepared the recovery memo on the spot in his presence as well as co-marginal witness namely Manzoor Ali. Complainant arrested both the accused and issued their card of arrest which is already Ex. PW-1/1. Murasila was drafted on the spot which is already Ex. PW-1/2. SI/complainant handed over to me card of arrest, recovery memo and Murasila and he took the same to the PS and handed over the same to Moharrir Muhammad Jameel for registration of the case. The IO prepared the site plan on the pointation of complainant.

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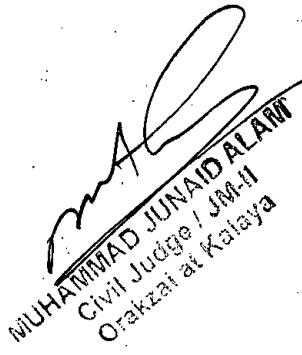
10. PW Manzoor Ali, was abandoned by APP for the State, being the witness of the same fact as narrated by PW-05 Alam Jan.

11. Afterwards, prosecution closed its evidence.

12. Statements of accused under section 342 Cr. PC was recorded wherein he pleaded not his guilt and also did not wish to be examined on oath. He even opted not to produce defense evidence.

13. Thereafter, argument was heard on behalf of the counsel for accused.

14. Claim of the prosecution is that the accused was charged for possessing of 89-grams ice. Perusal of the statement of PWs, it was revealed that as for as the alleged occurrence is concerned, it is pertinent to mention here that Murasila reveal that the occurrence took place on 02.11.2023 at about 14:00 hours whereas FIR was lodged at about 15:20 hours. It is also pertinent to mention here that one of the accused Mandoob Ali of the instant FIR has already pleaded his guilt and he was convicted and sentence for 04-months.



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As for as Murasila reveals that he got spy information about the occurrence, while PW-05 stated in his cross examination that the SI/complainant Anwar Khan received spy information. It is also worth mentioning here that the accused were charged for heinous offence and effect on the society.

Recovery has been affected from the direct possession of the accused. Accused were charged directly in promptly lodged FIR.

In light of above discussion, it is clear that only minor discrepancies are in the prosecution evidence, however, they are not fatal to the merit of the case. The case of the prosecution is proved, through solid and reliable evidence, therefore, the accused facing trial is hereby convicted for commission of offence under section 11-A CNSA, for 06-months simple imprisonment and Fine of Rs 10,000/-.

In default he shall undergo for 01-month simple imprisonment.

Furthermore, there is nothing on record which could show previous involvement of accused in such like cases, being first offender, thus, the sentence and conviction ibid is suspended and converted into probation and he is placed on probation for


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the period under six months the Probation Ordinance. He shall remain under the supervision of the Probation Officer (male) for the above-mentioned period subject to furnishing bail bonds in the sum of Rs. 100,000/- with two local and reliable sureties, to the satisfaction of probation officer (male) Orakzai with the following conditions.

- i. That he shall not repeat the offence.
- ii. That he shall keep and maintain peace and order in the society.

- iii. That he must exhibit good behavior during the prescribed period of probation.
- iv. That he shall appear before the probation officer once in a month, which date is left to the discretion of the probation officer to be fixed.
- v. That he shall not leave the country without permission of probation officer.
- vi. That if he violates the above conditions, the bonds will be recalled and he will be proceeded in accordance with the provision of the Ordinance ibid.
- vii. That in case of default by the convict, the direction regarding probation shall stand recalled and convict shall undergo imprisonment accordingly.
- viii. The Probation Officer (male) is directed to submit his report to this court about their character and conditions as aforesaid once in a quarter. Copy of this order be sent to the probation officer for compliance as per law.

16. Case property be dealt with in accordance with law.

17. Case file be consigned to Record room after its completion and necessary compilation.

Announced

29.11.2025


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

CERTIFICATE

Certified that my judgment of today consists of twelve (12) pages, each page has been read, signed and corrected by me where necessary.

Announced:

28.11.2025



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