

IN THE COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER
MELA HANGU

Ismail Khan vs State

Petition No..... 16/4 of 2026.

Date of institution..... 17.01.2026.

Date of decision..... 19.01.2026.

Order..02

19.01.2026

Sr.PP for the state present. Petitioner Ismail Khan present. Record received. Arguments heard and record perused.

Petitioner namely Ismail Khan S/O Lal Muhammad R/O Qaum Warmez Khel, Tehsil Bara, District Khyber is seeking return of motorcar bearing registration 6667 KHYA, Engine No.22R FXE, Chassis No. ZVW30-5032871 taken into possession by the local police in case FIR No.05 dated: 16.01.2026 U/S 15-AA, Police Station Kurez Boya.

Record reveals that motorcar in question was taken into possession by the local police in the above cited case and is in the custody of local police of PS Kurez Boya. Copy of vehicle registration book is annexed with the petition. Original registration book produced and returned after examination. Petitioner is the owner and last possessor of the said vehicle. There is no rival claimant of the vehicle. The vehicle is parked in open space which is likely to be rusted, damaged and deteriorated. Detention of vehicle in question in police custody for indefinite period would also achieve no useful purpose. Release of the vehicle on superdari to the petitioner will not create any vested right in his favor qua the vehicle as superdari is only a temporary arrangement for the custody of the property during pending inquiry/trial.

IJAZ MAHSOOD
 Senior Civil Judge JM
 Orakzai at Baber Mela

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As petitioner is the owner and last possessor and the vehicle in question and the same is no more required to the local police for investigation, resultantly, the application is accepted and it is directed that the vehicle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 1,600,000/- (sixteen lacs) with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Record be returned back to the quarter concerned. Copy of the order be placed on file.

The instant file be consigned to record room after completion and compilation.

Announced
19.01.2026


Ijaz Mahsood
Senior Civil Judge/JM,
Orakzai at Baber Mela