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

Case Title: Mir Wali vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 15	21.07.2026.	Sr. PP for the state present. Petitioner through counsel present. This order shall decide instant superdari application filed by Mr. Shahid for release on Superdari of a vehicle seized in FIR No 16 under section 419,420 of the PPC by Police Station Ghiljo. Petitioners, namely Mir Wali S/O Yaar Ullah, R/O Sapeh, Tehsil Bara District Khyber is seeking return of motor vehicles bearing: • Registration No. ABZ-824, Chassis No. ZVW51-8001040, Engine No. 2ZRFXE. Brief Account: The vehicle in question was seized for being without valid registration documents, and for forged registration plates. Vehicle in question Vessel Hybrid was carrying registration plate ABZ-824 Islamabad. Upon preliminary inquiry it was found that the vehicle is not registered, and further that it was Non-Custom Paid. Record furnished by the petitioner and received by the court from Excise Office District Khyber is dated 11/06/2026, a day after the vehicles were seized by local police Ghiljo of district Orakzai.

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Order No. 15 Continued.	21.07.2026.	Reasoning: Snr. PP present for the state stated that the present case seems to be an operation of a large smuggling cartel operating within the erstwhile FATA. That said cartel procures NCP vehicles and transports them to various parts of the province/country. He invited the court's attention to the date and registration numbers of all three vehicles. The information falls in immediate succession of one another indicating that these vehicles were registered together. Such incidence is unlikely for casual tourists to have registered vehicles one after the other. Further, the learned Prosecutor highlighted the fact that NDP registration of the vehicle in question was carried out by the ETO Khyber while the vehicle was in custody in Orakzai. It was argued that the reach and influence of the alleged cartel could be gauged from the fact that they managed to get their vehicles registered without actually producing them before the ETO. Learned counsel for the petitioner argued that even if the vehicles were NCP at the time of the seizure, now these are NDP, and thus legally allowed to be used within ex-FATA. He submits that there is no rival claimant therefore the vehicles may kindly be returned to the petitioner. Arguments heard and record perused.
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Order No. 15 Continued.	21.07.2026.	• It is conceded by both sides that the vehicle was Non-Custom Paid at the time of its seizure by police from PS Ghiljo. It is admitted that under the law vehicle on which custody duty has not been paid are liable to be seized and confiscated if found moving on roads. • It is also admitted that the NDP registration at Khyber was carried out on 11/06/26 when the vehicle was parked in custody at Orakzai. As to how did ETO Khyber issue NDP profiling for the vehicle in its absence remains a mystery before the court. • The allegations of the prosecution that a large smuggling cartel is involved are prima facie arguable as all the vehicles have NDP registration numbers in immediate succession indicating that they were registered together. The inference is confirmed by the fact that all three vehicles seized were registered on the same date. • Without dwelling further on the matter, the court, in view of the fact that the vehicle was NCP at the time of the seizure, is disinclined to grant the instant petition for superdari of the vehicle. • About its NDP registration, being area magistrate, the court is concerned by the fact that ETO Khyber issued registration in absence of the vehicle which
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Order No. 15 Continued.	21.07.2026.	prima facie seems unlawful. As for digging into the motivation of the ETO Khyber, it is deemed advise to request DG-Excise to inquire into the matter, and if necessary initiate proceedings, with intimation to this court. Copy of this order be sent to DG-Excise for information and appropriate action. File be consigned to record room after completion and compilation. <u>Announced</u> 21.07.2026  Ijaz Mahsood Senior Civil Judge/JM, Orakzai (at Baber Mela)
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