

IN THE COURT OF NOOR UL HAQ, JUDICIAL MAGISTRATE-II,
TEHSIL KALAYA DISTRICT ORAKZAI.

Staté Vs Kashif

**Case FIR No.79 Dated: 17.09.2025 U/S 17/18 KP CNSA PS, PS
Mishti Mela.**

Order. 06
08.07.2026

APP for the state present. Accused on bail absent. Today, the case was fixed for attendance of accused however, Mr. Haroon advocate appeared before the court and requested for acquittal of accused. Arguments on behalf of APP for the state and counsel Mr. Haroon advocate heard. Record perused.

Perusal of record shows that Vide FIR No. 79 Dated: 17.09.2025 U/S 17/18 KP CNSA registered at PS Mishti Mela Orakzai, accused was arrested by the local police.

Brief facts as per FIR are that on the day of occurrence SHO alongwith Constables Fazal Shah, Noor Sharif and driver Sami Ul Haq were present on barricade. During barricade, a young person was coming from Mishti Mela Bazar side in suspicious condition were stopped for the purpose of checking. On checking his body, the local police recovered and took into possession one Infinix-X6532.C Mobile having Imeis Numbers: 350613383118482 and 350613385161100. Upon recovery of the mobile phone, its WhatsApp application was checked, whereupon location data and photographs relating to the purchase and sale of narcotics, as well as contacts indicating links with persons residing abroad, were found. The aforesaid mobile phone was then taken into police custody through a recovery memo. SHO drafted the Murasila on the spot and handed it over to Constable Noor Sharif to carry it to the PS for registration of the instant case.


NOOR UL HAQ
Civil Judge / JM-II
Orakzai at Kalaya

After completion of investigation, challan was put in court and the accused were summoned.

Record would show that no direct or circumstantial evidence available on file connecting the accused with the commission of the alleged offence. 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.

Furthermore, 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. Mere registration of FIR without substantiating material cannot be a ground to prolong the agony of the accused by dragging them into a futile trial. Source of information regarding involvement of accused in the commission of the offence has not been disclosed. Accused have not confessed his guilt before the court. There is no eye witness to the occurrence. There is nothing on record which could connect the accused with the commission of the offence. There are so many dents and doubts in case of prosecution. Moreover, the sections of law levelled are of abetment but no such offence has been shown in the FIR which was abetted by present accused. The prosecution Department is directed to educate and guide the local police, that how to register FIR in such like cases and how to investigate such kind of cases.

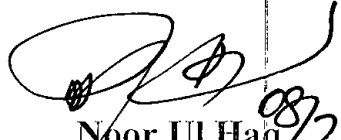
The trial court can acquit accused U/S 249-A Cr. PC at any stage of the proceedings. Keeping in view the available record, the case in hand is not likely to result in conviction. Recording of full prosecution evidence would be a futile exercise and wastage of precious time of the court. Resultantly, application is

17/26
Orakzai Kalaya

allowed. Accused facing trial namely Kashif Khan is acquitted in terms of Section 249-A Cr. PC from the charges leveled against him in case FIR No. 79 Dated: 17.09.2025 U/S 17/18 KP CNSA registered at Police Station Mishti Mela. Accused is on bail. Sureties discharged from their liability. Case property, if any be dealt with in accordance with law.

File be consigned to record room after necessary completion and compilation.

Announced.
08.07.2026


Noor Ul Haq 08/7/26
Judicial Magistrate-II, Tehsil
Court Kalaya, Orakzai