

Order No.07 25.07.2026

Sr. PP, Abul Qasim for the state present. Accused Ameer Rehman present along with counsel. Arguments on application u/s 265 K Cr. PC heard and record perused.

This case was registered against the accused Ameer Rehman s/o Musa Khan, r/o Bugati District Hangu vide FIR No. 03, Dated 15.01.2026 at Police Station Mishti Mela u/s 9 (i) 3 (c) of the Khyber Pakhtunkhwa CNSA, 2019.

According to averments of the FIR, the SHO Police Station Mishti Mela along with other police contingent laid a barricade at main road Mishit Mela to dabore during routine gasht on 15.01.2026 when at 1300 hours a person having a shaping bag in his left hand was stop on suspicion. The search the bag led to the recovery of 1000 grams of chars which was taken into possession. The sample of 10 grams was separated from the packet and sealed into parcel No. 1. The Murasila and other documents were sent to police station; hence, the FIR was registered.

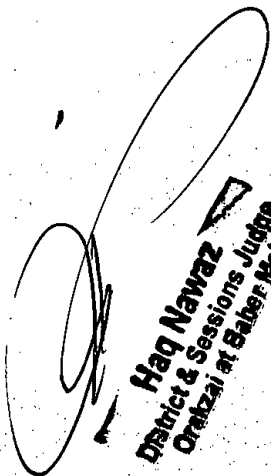
After completion of investigation, complete challan was put in court. The accused was summoned and copies were provided to him under section 265-C CrPC. The accused pleaded not guilty and claimed trial. The prosecution produced 01 witness before the court.

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Thereafter, the defense counsel submitted an application for acquittal of the accused u/s 265-K CrPC.

Arguments on application u/s 265-K CrPC heard and record perused.

After hearing both the parties and perusal of the record it was found that the occurrence was taken place on 15.01.2026 but according to statement of the Parcel carrier to FSL (PW-1) the sample to FSL was taken by him on 19.01.2026 beyond the describe period 72 hours provided under rule 4(2) of the control of Narcotics Substances (Governments analyst) rules, 2001. Accused was charged for possession and transportation of chars weighing 1 Kg. Sample of recovered contraband was drawn and sealed in parcel on the same day. Sample ought to have been received in FSL within 72 hours of the seizure as required by rule 4(2) of the control of Narcotic substances (Governments Analyst) rules 2001, but perusal of examination reports revealed that the sample was received by FSL on 4th day of its recovery. Nothing was available on record to establish that during the intervening period contraband remained in safe custody or that it was altered, manipulated, changed are replaced, thus the delay so occasioned in sending the samples to

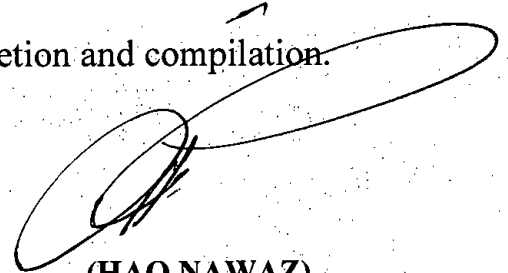

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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FSL had rendered the analysis to doubtful. reliance is place on P L D 2019 Baluchistan 96.

In view of above facts and circumstances, there is no probability of conviction even the prosecution is allowed to produce remaining evidence. therefore, the accused accused Ameer Rehman s/o Musa Khan, r/o Bugati District Hangu is acquitted of the charges levelled against him u/s 265-K CrPC. The accused is on bail. His bail bonds are cancelled and sureties stand discharged of the liabilities of bail bonds. The case property in the shape of narcotics be destroyed after the expiry of period of appeal/revision. File of this Court be consigned to record room after its necessary completion and compilation.

Announced:
25.07.2026



(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela