

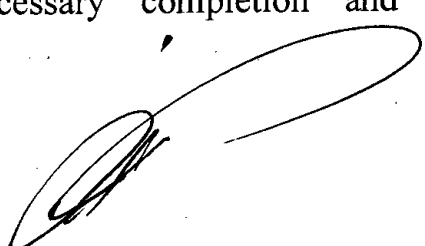
(2)

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: State VS Mustaqeem Ahmad

FIR no. 26, Dated: 21-04-2024 ~~17-08-26~~, U/S 9 D CNSA, PS Kalaya.

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.01	17.08.2026	Supplementary Challan along with application for discharge of the accused received from the Court of Judicial Magistrate-II, Kalaya, Orakzai. It be registered. Accused Mustaqeem Ahmad is on bail. Summons be issued to the accused and record be requisitioned for 04.09.2026. Case file be put up for arguments on application and attendance of accused.  (HAQ NAWAZ) Sessions Judge/JSC, Orakzai at Baber Mela
Order No.02	04.09.2026	Sr. PP, Abul Qasim for the State present. Arguments on application u/s u/s 4 (I) B (IV) of the Prosecution Act, 2005 heard and record perused. <u>Accused present.</u> The instant case was registered on 21.04.2024 at Police Station Kalaya vide FIR No. 26 u/s Section 9 (d) CNSA. According to averments of the FIR, SHO Shal Muhammad along with other police personnel, while responding to information regarding smuggling of huge quantity of chars from Anjani Bazar via motorcycle, laid barricade on main pukhta road near Mandra Khel Check-Post on 21.04.2024 when a motorcycle came there from Syed Khalil at 1200 hours, who was wearing a plastic bag. He was stopped and disembarked. The search of the bag led to the recovery of 20,000 grams of chars garda. He disclosed his name as Hashmat Ullah. The accused facing trial was nominated in the instant case on the basis of the statement of co-accused Hashmat Ullah recorded u/s 161 CrPC. Later on, the accused facing trial was released on bail vide order dated 19.02.2026.

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		Supplementary Challan along with an application for the discharge of accused u/s 4 (I) B (IV) of the Prosecution Act, 2005 was submitted. After hearing arguments on the application, it was found that the accused was neither arrested on the spot nor the recovery was effected from his immediate possession. The record is also silent regarding the previous history of the accused in such like cases in the past. During the investigation, the accused remained in custody of local police for sufficient time but he did not own the recovered contraband. The accused facing trial is charged by the main accused Hashmat Ullah in his statement recorded u/s 161 CrPC which is also not admissible evidence in the eyes of law. The case in hand on the basis of said evidence, if proceeded, would bear no fruit except acquittal. Therefore, the learned Sr. PP for the State has very rightly requested for the discharge of accused on the strength of weak evidence. The application is, therefore, accepted and the above-named accused is discharged from the allegations levelled against him. Accused is on bail, his bail bonds stand cancelled and sureties stand discharged from the liabilities of bail bonds. The case property be dealt with in accordance with law. File of this Court be consigned to record room after its necessary completion and compilation. <u>Announced:</u> 04.09.2026  (HAQ NAWAZ) Sessions Judge/JSC, Orakzai at Baber Mela