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STATE VS AHMAD HASSAN
FIR No. 64 | Dated: 29.07.2025 | U/S: 9 (1) 3 (d) CNSA |
Police Station: Mishti Mela
IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 63/3 OF 2025
DATE OF INSTITUTION : 03.11.2025
DATE OF DECISION : 02.09.2026

STATE THROUGH ASHO AMIR KHAN, POLICE STATION MISHTI
MELA

.....(COMPLAINANT)

-VERSUS-

AHMAD HASSAN S/O SHANDI GUL, CASTE MISHTI, TAGHA SAM,
DISTRICT ORAKZAI

..... (ACCUSED)

Present : Abul Qasim, Senior Public Prosecutor for State.
: Insaf Ali Advocate for accused.

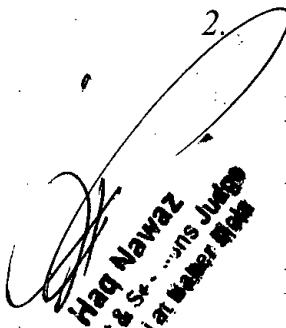
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Dated: 29.07.2025
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JUDGEMENT
02.09.2026

This case was registered against the accused **Ahmad Hassan**
S/O Shandi Gul, Caste Mishti, Tagha Sam, District Orakzai
vide FIR No. 64, Dated 29.07.2025 at Police Station Mishti
Mela u/s 9 (1) 3 (d) CNSA.

2. According to averments of the FIR, the ASHO Police Station
Kurez Boya along with other police contingent laid a
barricade at Kach Mela on main road Mishti Mela to Kadda
Bazar on 29.07.2025 when a motorcycle came from Kadda
Bazar at 1400 hours. The motorcycle was stopped and the
rider was disembarked. A sack, wrapped in a chadar with seat
of the motorcycle, was found. The search of the sack led to
the recovery of 06 packets of chars, wrapped in yellow scotch
tape. The complainant weighed each packet which turned out
to be 1000 grams each, making a total of 6,000 grams. He


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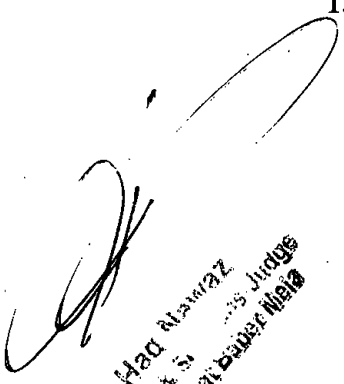
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separated 10 grams each as sample from the recovered packets of contraband and sealed the same into parcels No. 1 to 6 with the monogram of 'AK' for the purpose of chemical analysis. The remaining 5940 grams of chars along with the sack and chaddar were sealed into parcel No. 7. Videography of the occurrence was carried out and sealed into parcel No. 8. The Murasila and other documents were sent to police station for registration of FIR.

3. 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. He was formally charged, but the accused pleaded not guilty and claimed trial. The prosecution produced a total of 06 witnesses. A brief resume of the depositions of the prosecution witnesses is as under;

- I. Muhammad Saeed Moharrir appeared in the witness box as PW-1. He stated that he incorporated the contents of Murasila into FIR Ex. PW 1/2. He received the case property from the complainant in duly packed and sealed condition which were kept by him in Malkhana safely after making its entry in Register No. 19 which is Ex. PW 1/3. He parked the motorcycle in the police station. He handed over parcels No. 1 to 6 to IO for its transmission to FSL on 30.07.2025. The PW made entries in the daily diaries which are Ex.


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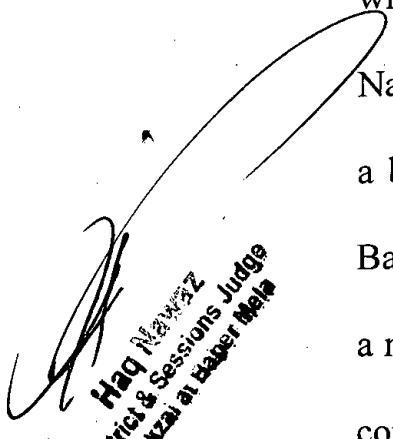
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PW 1/4. His statements were recorded by the IO u/s 161 CrPC.

II. Constable Khalil Khan stood in the witness box as PW-2. He stated that he took parcels No. 1 to 6, containing samples of chars, to FSL for chemical analysis on 30.07.2025 and handed over the same in FSL. His statement was recorded by the IO u/s 161 CrPC.

III. Muhammad Younas SI recorded his statement before the Court as PW-3. He stated that he submitted complete challan Ex. PW 3/1 against the accused on 01.08.2025.

IV. The complainant, ASHO Amir Khan, appeared before the Court as PW-4. He stated that he along with Constables Noor Sharif and Muhammad Nawaz, in official vehicle driven by Mikael, laid a barricade at main road Mishti Mela to Kadda Bazar situated at Kach Mela on 29.07.2025, when a motorcycle was intercepted at 1400 hours. The complainant found a sack wrapped in chaddar on the oil tank of the motorcycle which led him to the recovery of 06 packets of chars, wrapped in yellow scotch tape, weighing 1000 grams each. He separated 10 grams from each packet for FSL examination which were packed and sealed into parcels No. 1 to 6. The remaining quantity of

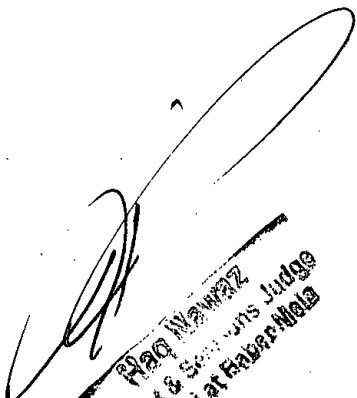

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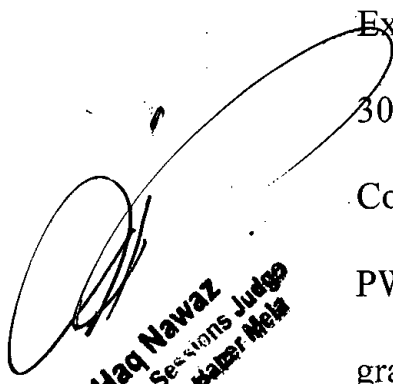
chars along with the sack and chaddar was sealed in parcel No. 7. Noor Sharif Constable carried out videography of the occurrence which was saved in a USB and sealed into parcel No. 8. The complainant placed one monogram of "AK" inside each parcel and affixed three monograms upon the parcels. The recovery was affected through recovery memo Ex. PW 4/2. The complainant issued card of arrest of the accused which is Ex. PW 4/3. He prepared the Murasila Ex. PW 4/4 and sent it along with other documents to police station through Constable Noor Sharif for registration of FIR. He pointed out the place of occurrence to the IO on his arrival to the spot and shown the case property to him in sealed condition along with the accused. He, thereafter, took the case property and the accused to police station and handed over to Moharrir. The PW verified the contents of all the documents, prepared by him and submitted that the same are correct which correctly bear his signatures.


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- V. The Constable Noor Sharif appeared before the Court as PW-5. He is marginal witness to the recovery memo Ex. PW 4/2 through which the complainant took into possession the recovered contraband and the crime motorcycle. After

reproducing the prosecution's story in his statement, he verified the contents of recovery memo and submitted that it correctly bears his signature. He further stated that he carried out videography of the occurrence and took the Murasila to police station for registration of FIR.

VI. Lastly, the Investigating Officer, Muhammad Hanif, was examined as PW-6. He stated that after entrustment of investigation to him in the instant case, he proceeded to the spot where the complainant pointed out the site plan and shown the case property along with the accused to him. The PW prepared the site plan Ex. PW 6/2 and recorded statements of the witnesses on the spot. He sent the test samples along with application Ex. PW 6/4 as well as route permit Ex. PW 6/3 on 30.07.2025. He produced the accused before the Court of Judicial Magistrate vide application Ex. PW 6/5 on the same day and one-day custody was granted. He interrogated the accused who confessed his guilt before him and produced the accused on 31.07.2025 before the Court of JM vide application Ex. PW 6/6 on 31.07.2025. The FSL result regarding contraband was placed by him which is Ex. PW 6/7. The PW submitted applications Ex. PW 6/8 and 6/9 to SP,


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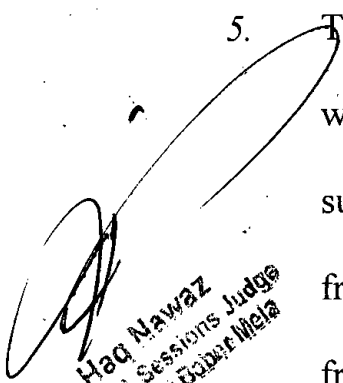
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Investigation for correspondence with FSL and Excise and Taxation Officer regarding the motorcycle. He placed on file the MRA report which is Ex. PW 6/10 and FSL report which is Ex. PW 6/11. The IO also placed on file copies of FIRs registered against the accused which are Ex. PW 6/12 to 6/15. He submitted the case file to ASHO for onward proceedings after completion of investigation. He admitted the contents of the documents prepared by him to be correct and verified his signatures thereupon.

4. After completion of prosecution's evidence, statement of the accused was recorded u/s 342 Cr.P.C. The accused claimed innocence; however, he neither wished to be examined on oath nor opted to produce any evidence in defence. I have heard learned Sr. PP and counsel for the accused.
5. The learned Sr. PP argued that the accused was apprehended with huge quantity of narcotics. The prosecution remained successful to establish safe transmission of the case property from the spot to police station and sending samples to FSL from police station through reliable evidence. The FSL report is in positive. There is no material contradiction in the statements of PWs in spite of sufficient cross examination by the defence counsel. He, therefore, requested for conviction of the accused.


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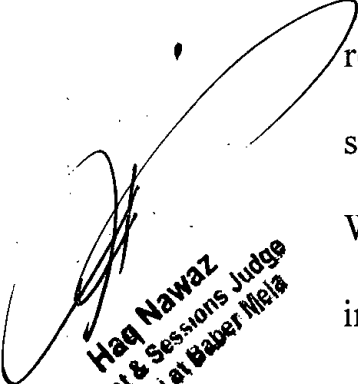
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6. On the other hand, the learned counsel for the defence submitted that the prosecution has failed miserably to prove the case against the accused through cogent and trustworthy evidence due to major and material contradictions in the statements of PWs; therefore, the accused be acquitted from the charges levelled against him.

7. After hearing both the parties and perusal of the record, it was found that the alleged occurrence took place on 29.07.2025 at 1400 hours at Kacha Mela on main road Mishti Mela to Kadda Bazar when the local police laid a barricade and found six packets of chars in a sack on the tank of motorcycle No. F2752/Kohat driven by the accused. The Investigation Officer prepared site plan Ex. PW 6/2 of the place of occurrence on the pointation of Seizing Officer. The said Seizing Officer/complainant appeared before the Court as PW-4. In his cross examination, he submitted that he does not remember the landscape of the place of occurrence, if the same is situated in a plain area or in between the mountains. Whereas the marginal witness of the recovery memo stated in his cross examination as PW-5 that there are houses, algada (river) and mountains at the place of occurrence. The perusal of site plan Ex. PW 6/2 shows village Kacha Mela on one side of main road from Kadda Bazar and a barren land and fields on other side of the said road with no mountains or river/algada. The PW-4 stated that the IO spent one hour on the spot proceedings whereas PW-5 submitted that he spent


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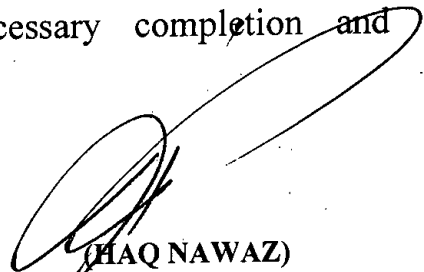
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20 minutes on the spot. The chassis number U736175 of the crime vehicle No. F2752/Kohat was subjected to chemical examination in the Forensic Science Laboratory by the IO but no other number was deciphered in its chassis, as evident from the FSL report Ex. PW 6/11. These facts create doubt in the prosecution's case who remained failed to prove their case beyond the shadow of doubt.

8. In view of above facts and circumstances, the accused **Ahmad Hassan** S/O Shandi Gul, Caste Mishti, Tagha Sam, District Orakzai is acquitted from the charges levelled against him by extending the benefit of doubt in his favour. The accused is in custody. He be released forthwith, if not required in any other cause. The case property in the shape of chars be destroyed after the expiry of period provided for appeal/revision while the motorcycle No. F2752/Kohat be returned to its lawful owner. File of this Court be consigned to record room after its necessary completion and compilation.

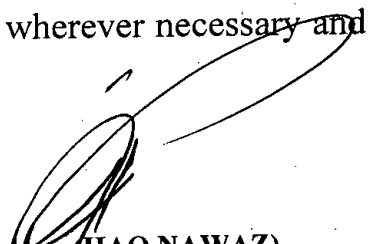
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CERTIFICATE

Certified that this judgement consists of eight (08) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 02.09.2026


(HAQ NAWAZ)
SJ/JSC, Orakzai
at Baber Mela