

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 47/3 OF 2025
DATE OF INSTITUTION : 03.09.2025
DATE OF DECISION : 10.10.2025

STATE THROUGH SHO AFTAB HASSAN, POLICE STATION
KUREZ BOYA

.....(COMPLAINANT)

-VERSUS-

SYED AMEEN HUSSAIN S/O SYED KAMEEN HUSSAIN, CASTE
BAR MUHAMMAD KHEL

..... (ACCUSED)

Present : Abul Qasim, Senior Public Prosecutor for state.
: Khursheed Alam Advocate for accused.

FIR No. 33
U/S: 9 (1) 3 (c) CNSA

Dated: 22.06.2025
Police Station: Kurez Boya

JUDGEMENT
10.10.2026

This case was registered against the accused **Syed Ameen Hussain** s/o Syed Kameen Hussain vide FIR No. 33, Dated 22.06.2025 at Police Station Kurez Boya u/s 9 (1) 3 (c) CNSA.

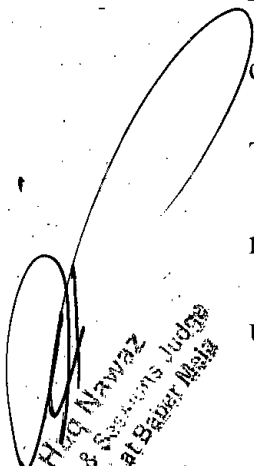
According to averments of the FIR, the SHO Police Station Kurez Boya along with other police contingent were on surveillance duty in the area in official vehicle driven by driver Inshad Ali. They spotted a person sitting at Otye Sre Khawrey Chowk on 22.06.2025 at 09:00 hours. The person was subjected to personal search which led to the recovery of 02 packets of chars, wrapped in yellow scotch tape in a Chaddar/cloth in his right-hand. The complainant weighed the recovered packets which turned out to be 1200 grams each,

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making a total of 2400 grams. He separated 10 grams each sample from the recovered packets of contraband and sealed the same into parcels No. 1 and 2 for the purpose of chemical analysis. The remaining 2380 grams of chars along with the cloth was sealed into parcel No. 3. Videography of the occurrence was carried out and sealed into parcel No. 4. All the parcels were affixed with the monogram of 'AH'. The recovery was affected through recovery memo. The accused was formally arrested who disclosed his name as Syed Ameen Hussain. 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 05 witnesses. A brief resume of the depositions of the prosecution witnesses is as under;

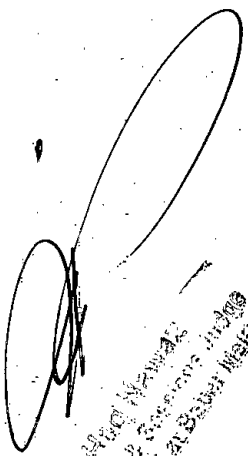
- I. Moharrir Ibad Ul Hassan appeared in the witness box as PW-1. He stated that he incorporated the contents of Murasila into FIR Ex. PW 1/2. He handed over the copy of FIR to IO. The PW received the case property from the complainant in duly packed and sealed condition which were safely kept by him in Malkhana after making its


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entries in Register No. 19 which is Ex. PW 1/3.

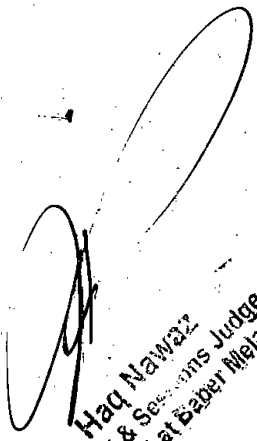
He handed over parcels No. 3 and 4 to IO on 23.06.2025 for its production before the Court of Judicial Magistrate. He also handed over parcels No. 1, 2 and 4 to IO for transmitting to FSL on 24.06.2025. The PW received back parcel No. 4 from Constable Khial Hussain upon his return from FSL. He made entries in the daily diaries which are Ex. PW 1/4. His statements were recorded by the IO u/s 161 CrPC.

- II. The complainant, SHO Aftab Hassan, appeared before the Court as PW-2. He stated that he along with police officials Faheem Hassan and Baqir Ali were on surveillance duty in the area on 22.06.2025, in official vehicle driven by Inshad Ali. They stopped a person at Sre Khawrey Chowk at 09:00 hours on suspicion. The complainant recovered 02 packets of chars, wrapped in yellow scotch tape, weighing 1200 grams each, from a piece of cloth in the right-hand of said person. The PW separated 10 grams from each packet for FSL examination which were packed and sealed into parcels No. 1 to 2. The remaining 2380 grams of chars along with the cloth was sealed in parcel No. 3. Baqir Ali


SHO Aftab Hassan
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Kurez Boya

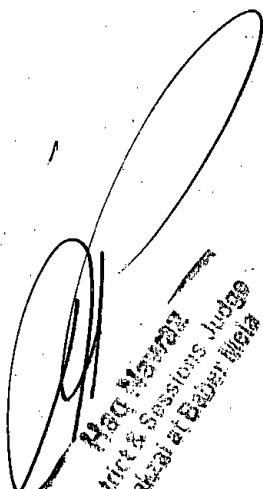
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Constable carried out videography of the occurrence which was converted into a USB and the same was packed and sealed into parcel No. 4. The complainant placed one monogram of "AH" inside each parcel and affixed three monograms upon the parcels. The person disclosed his name as Syed Ameen Hussain. The recovery was affected through recovery memo Ex. PW 2/2. The complainant issued card of arrest of the accused which is Ex. PW 2/3. He prepared the Murasila Ex. PW 2/4 and sent it along with other documents to police station through Constable Baqir Ali for registration of FIR. He pointed out the place of occurrence to IO on his arrival to the spot and shown the case property along with the accused to him. The complainant took the case property and the accused to police station and handed it over to Moharrir Ibad Ul Hassan. The PW submitted complete challan Ex. PW 2/5 against the accused after completion of investigation. He 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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III. The Constable Baqir Ali appeared before the Court as PW-3. He is marginal witness to the recovery memo Ex. PW 2/2 through which the complainant took into possession the recovered contraband. 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.

IV. Constable Khial Hussain stood in the witness box as PW-4. He stated that he received parcels No. 1, 2 and 4 from the IO for taking the same to FSL for chemical analysis on 24.06.2025. The FSL Authorities handed over parcel No. 4 to the PW due to non-availability of forensic examination facility of videography at FSL, Peshawar. The PW handed over parcel No. 4 to IO upon his return from FSL. His statement was recorded by the IO u/s 161 CrPC.


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District & Sessions Judge
District of Babel, Babel

V. The Investigating Officer Mohsin Ali was examined as PW-5. He stated that after entrustment of investigation to him in the instant case, he proceeded to the spot where the

complainant pointed out the place of occurrence to him and shown the case property along with the accused. The PW prepared the site plan Ex. PW 5/2 on the pointation of complainant and recorded statements of the witnesses u/s 161 CrPC. He produced the accused before the Court of Judicial Magistrate on 23.06.2025 vide application Ex. PW 5/3 for obtaining physical custody of the accused and one-day custody was granted. The accused confessed his guilt before the PW. He again produced the accused before the Court on 24.06.2025 vide application Ex. PW 5/4 for recording his confessional statement but the accused refused to record his confessional statement and was sent to Judicial Lock-Up. The PW sent the test samples in parcels No. 1 and 2 along with the USB in parcel No. 4 to FSL with route certificates Ex. PW 5/5 and Ex. PW 5/6 and applications Ex. PW 5/7 and Ex. PW 5/8 on 24.06.2025 through constable Khial Hussain, who returned parcel No. 4 to the IO. The FSL result was produced before the Court by the IO which is Ex. PW 5/9. He submitted the case file to SHO for onward proceedings after completion of investigation. He admitted the contents of the


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Quetta

documents prepared by him to be correct which
correctly bear his signatures.

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 by producing the concerned PWs. 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.
6. On the other hand, the learned defence counsel submitted that according to the prosecution's case, the accused was spotted while sitting at the place of occurrence whereas according to the statement of the Seizing Officer, he stopped the accused while finding him in suspicious condition. According to PW-4, he took the parcels to FSL on 26.06.2025 which contradict the record and other witnesses in this respect. The said fact also discloses that the samples were dispatched to FSL


Han Nawaz
District & Sessions Judge
Lahore

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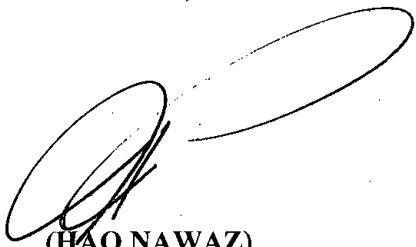
beyond the prescribed period of time. Therefore, the accused be acquitted from the charges levelled against him.

7. After hearing both the parties and perusal of the record, it was found that according to the Murasila Ex. PW 2/4, the occurrence was taken place at Otye Sre Khawrey Chowk at 0900 hours when the local police were on routine gasht and they found the accused while sitting at the place of occurrence. However, the Seizing Officer, in his statement before the Court as PW-2, stated that he stopped the accused at the place of occurrence when he was on routine patrolling duty on the relevant day on 22.06.2025. Further that according to Moharrir/PW-1 and IO/PW-5, the sample parcels were sent to FSL on 24.06.2025. Their statements are also supported by the route certificates Ex. PW 5/5 and Ex. PW 5/6 as well as applications to FSL Ex. PW 5/7 and Ex. PW 5/8 besides register No. 19 Ex. PW 1/3 and FSL report Ex. PW 5/9. But the Parcel Carrier categorically stated in his examination in chief before the Court as PW-4 that the parcels were handed over to him on 26.06.2025 for taking the same to FSL. In such circumstances, the prosecution's case with regard to mode and manner of the occurrence and deposit of the sample parcels in FSL within the prescribed period of time has become doubtful.

8. In view of the above, the accused **Syed Ameen Hussain** s/o Syed Kameen Hussain, Caste Bar Muhammad Khel is

acquitted of the charges levelled against him by extending benefit of doubt in his favour. The accused is on bail. His bail bonds are cancelled and sureties stand discharge of the liabilities of bail bonds. The case property be destroyed after the period provided for appeal/revision. File of this Court be consigned to record room after its necessary completion and compilation.

Announced:
10.10.2026

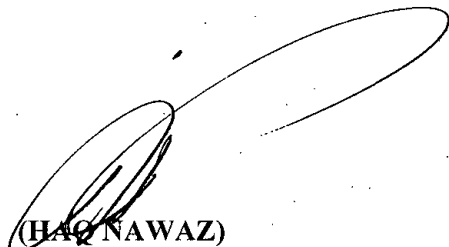

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CERTIFICATE

Certified that this judgement consists of nine (09) pages.

Each page has been read, corrected wherever necessary and signed by me.

Dated: 10.10.2026


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Sessions Judge/Judge Special Court,
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