

9

**IN THE COURT OF SHAUKAT AHMAD KHAN**  
**SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI**  
**(AT BABER MELA)**

SPECIAL CASE NO. : 2/3 OF 2023  
DATE OF INSTITUTION : 01.02.2023  
DATE OF DECISION : 21.02.2023

STATE THROUGH SHAL MUHAMMAD SHO, POLICE STATION  
KALAYA

.....(COMPLAINANT)

-VERSUS-

NASIR S/O NAZEER KHAN, AGED ABOUT 39 YEARS, R/O  
MOHALLAH NO. 57 PEER ABDULLAH SHAH, DISTRICT KOHAT  
..... (ACCUSED FACING TRIAL ON BAIL)

**Present:** Umar Niaz, District Public Prosecutor for State.


**FIR No.** 116                      **Dated:** 19.11.2022      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019

**Police Station:** Kalaya

JUDGEMENT  
21.02.2023

The above-named accused is charged for the  
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,  
2019 vide FIR no. 116, dated 19.11.2022 of Police  
Station Kalaya.

- (2). As per contents of FIR, the complainant Shal  
Muhammad SHO along with other police officials  
during routine patrolling, laid a picket on the spot where  
at about 1500 hours a person riding a motorcycle without  
registration number was stopped on way from Karghan  
towards the picket was stopped. The personal search of  
the accused led the complainant to the recovery of 01  
packet of chars weighing 1000 grams from his trouser-  
fold.

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai Baber Mela  
21/02/23

(10)

(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the court and copies of the record were provided to him u/s 265-C Cr.P.C. Charge was framed against the accused to which he pleaded guilty. The also accused submitted application for disposal of his case on the basis of plead guilty for the reasons that he is a poor person, cannot afford the expenses of litigation and that being first offender, lenient view may be taken against him. Application is placed on file. In view of the application of accused, prosecution did not want to produce the evidence. Statement of the accused recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused was having only 1000 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotics Substance Act, 2019. Hence, he is convicted of the offence. But as the accused is first offender and there is no record of his previous involvement in such like offences. Besides the accused is of young age; therefore, he must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Faisla  
2/10/2019

(1)

only 1000 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of 02 (two) years subject to the executing of bonds in the sum of Rs. 50,000/- with two sureties to the effect that the accused would commit no offence and to keep the peace and be of good behavior during the period of bond and to appear and receive the sentence, if called upon to do so during that period to the satisfaction of Probation Officer concerned. Case property i.e., chars be destroyed in accordance with law after the period provided for appeal/revision while the motorcycle taken into possession be returned to its lawful owner/last possessor subject to production of its registration documents. Consign.



**Pronounced:**  
21.02.2023

**SHAUKAT AHMAD KHAN)**  
Sessions Judge/Judge Special  
Court, Orakzai at Baber Mela

**CERTIFICATE**

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 21.02.2023

**(SHAUKAT AHMAD KHAN)**  
Sessions Judge/Judge Special  
Court, Orakzai at Baber Mela