

8

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

SPECIAL CASE NO. : 21/3 OF 2023  
DATE OF INSTITUTION : 19.04.2023  
DATE OF DECISION : 19.04.2023

STATE THROUGH HASSAN JAAN SHO, POLICE STATION KUREZ  
.....(COMPLAINANT)

-VERSUS-

INSWAR ALI S/O JAN BAZ ALI, AGED ABOUT 41 YEARS, R/O  
CASTE MANI KHEL, TAPA SABORA KHEL, DISTRICT ORAKZAI  
..... (ACCUSED FACING TRIAL)

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

**FIR No. 14**                      **Dated:** 15.04.2023      **U/S:** 9 (c) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019

**Police Station:** Kurez

**JUDGEMENT**

19.04.2023

The above-named accused is charged for the offence u/s 9 (c) of the Khyber Pakhtunkhwa CNSA, 2019, vide FIR no. 14, dated 15.04.2023 of Police Station Kurez.

(2). As per contents of FIR, the complainant, Hassan Jaan SHO along with other police officials, during routine patrolling laid a picket on the spot, where at about 2200 hours a Suzuki bearing Registration No.

B9716/Kohat was stopped for the purpose of checking.

A person seated in rear portion of the vehicle having a blue colour plastic shopper in his right hand was deboarded but nothing incriminating was recovered from his personal search. The search of the plastic shopper led the complainant to the recovery of 700 grams of chars.

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
19/04/23

(3). After completion of investigation, complete challan was put in court upon direction of the court on the basis of application submitted by the accused during jail visit of this court, for disposal of his case on the basis of plead guilty waiving of his rights provided u/s 265-C CrPC on the grounds, that he is a poor person and a sole bread earner of his family, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against him. Application is placed on file. The accused was summoned through Addendum-B from Sub-Jail Orakzai. In view of the application of accused, prosecution did not want to produce the evidence. The statement of accused recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused was having 700 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (c) of the Khyber Pakhtunkhwa CNSA, 2019 and convicted of the offence.

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Meia

19/07/23

But as the accused is first offender and there is no record of his previous involvement in such like offences. Hence, 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 only 700 grams of chars by taking a lenient view, instead of sentencing him at once, he is

placed on probation for a period of 01 (one) year subject to the executing of bonds in the sum of Rs. 50,000/- with two sureties to the satisfaction of Probation Officer concerned 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. Accused is in custody, he be released, if he submits the required bond, subject to that if he is not required in any other case. Case property i.e., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.

**Pronounced:**  
19.04.2023



**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: 19.04.2023



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