

(3)

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

CR. MISC. APPLICATION NO. : 6/4 OF 2023
DATE OF INSTITUTION : 26.05.2023
DATE OF DECISION : 29.05.2023

SULAIMAN S/O SYED KARIM, R/O CASTE FEROZ KHEL, TEHSIL
LOWER, DISTRICT ORAKZAI

..... (PETITIONER)

-VERSUS-

STATE THROUGH SHO POLICE STATION KALAYA

..... (RESPONDENT)

Present: Abid Ali Advocate for petitioner.
: Umar Niaz District Public Prosecutor for state.


FIR No. 40 **Dated:** 19.04.2023 **U/S:** 9 (d) CNSA
Police Station: Kalaya

ORDER:
29.05.2023

DPP, Umar Niaz for State present. Clerk of counsel

Mr. Abid Ali Advocate present.

Petitioner, Sulaiman seeks return of Honda motorcycle of black colour having Registration No. FR1728 and Engine No. 393353 taken into possession by the local police in the subject case FIR, wherein, as per contents of FIR, the local police on 19.04.2023 at about 09:00 hours having laid a picket were present on the spot where a motorcycle mentioned above riding by two persons on way towards the picket, was stopped for the purpose of checking. The local police recovered 02 packets of chars, each weighing 1000, making a total of 2000 grams from trouser-fold of driver of the motorcycle who disclosed his name as Sulaiman, the



Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
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petitioner. Similarly, the local police also recovered 02 packets of chars, each weighing 1000 grams, making a total of 2000 grams from trouser-fold of accused occupying rear seat of the motorcycle who disclosed his name as Hamraz Khan.

- (2). Arguments heard and record perused.
- (3). Perusal of case file shows that the petitioner is the last possessor of the motorcycle in question. At present there is no rival claimant. Moreover, the investigation in the instant case is complete and the motorcycle in question is no more required for further investigation.
- (4). Hence, the petition in hand is accepted and the motorcycle in question be returned to the petitioner subject to furnishing two surety bonds in the sum of Rs. 100,000/- to the satisfaction of SHO concerned.
- (5). File be consigned to Record Room after its necessary completion and compilation.



Pronounced
29.05.2023


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela