

(9)

**IN THE COURT OF ASGHAR SHAH**  
SESSIONS JUDGE, ORAKZAI  
(AT BABER MELA)

CRIMINAL MISCELLANEOUS APPLICATION NO: 22/6 OF 2020  
DATE OF INSTITUTION : 22.09.2020  
DATE OF DECISION : 25.09.2020

FAZAL REHMAN S/O YAQOOT SHAH, TRIBE SHALOBAR KHEL,  
WAND GARE, PO BARA QAMBAR ABAD TEHSIL BARA,  
DISTRICT KHYBER

..... (PETITIONER)

-VERSUS-

STATE THROUGH DPP ORAKZAI

..... (RESPONDENT)

**Present:** Sana Ullah Khan Advocate, for petitioner.  
: Umar Niaz District Public Prosecutor for state.

**FIR No. 33 Dated:** 18.08.2020 **U/S:** 9 (d) CNSA

**Police Station:** Upper Orakzai Ghiljo

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**ORDER:**  
25.09.2020

The petitioner through petition in hand requested for the return of his motorcycle bearing no. FK-3563 and chassis no. 0399955 claiming to be the owner of the same, for which he produced registration book and sale deed, the copies of which are placed on file. The subject motorcycle was recovered from accused, Nasrullah s/o Yaqoob Khan who also appeared today in person and submitted an affidavit to the effect that the petitioner is the owner of the motorcycle in question and that he has taken the same for a short while from the petitioner. The accused in his affidavit shown no objection upon the release of motorcycle to the petitioner.

*Sana Ullah Khan*  
25/9/20  
ASGHAR SHAH  
District & Sessions Judge  
Orakzai at Hangu



(2) Since investigation in the instant case is complete and the motorcycle in question is no more required for further investigation besides the petitioner has produced documents regarding the same which prima facie reveals his ownership of the motorcycle in question and more so at the moment, there is no rival claimant as well as the same is not involved/required in any other case.

(3) Therefore, the petition in hand is accepted and the motorcycle in question is hereby return to the petitioner on bail with sum of Rs. 50,000/- with two sureties, each in the like amount to the satisfaction of this court. However, the petitioner shall be bound not to dispose of the motorcycle till further orders and will produce the same as and when required.

(4) File be consigned to Sessions Record Room after its necessary completion and compilation.

**Announced**  
25.09.2020

**ASGHAR SHAH**  
Sessions Judge, Orakzai  
at Baber Mela

**CERTIFICATE**

Certified that this order consists of two (2) pages. Each page has been read, corrected where-ever necessary and signed by me.

Dated: 25.09.2020

**ASGHAR SHAH**  
Sessions Judge, Orakzai  
at Baber Mela