

Misc: No. 75/SA  
ORDER: 03  
 18-08-2020

**Present:**

Petitioner Khawaja Amin Shah, along with Sana Ullah Khan Adv.  
 APP Syed Amir Shah for State  
 Last Possessor, Sher Jan

Petitioner **Khawaja Amin Shah** s/o Rahim Shah; r/o Ali Khel, Mirwas Khel, Chappar, Sarkio Qila, Ghiljo, Orakzai is seeking **superdari** of one double-cab pick-up, bearing registration No.ID-5427 (model 1983), which is in the custody of local police of PS Upper Orakzai in case FIR # 21 dated 06-06-2020 u/s 9 (d) KP-CNSA.

Summarized facts of the case, according to FIR, are that the local police had recovered 4556 grams of Charas from the above-mentioned vehicle, while the same was being driven by Sher Jan (accused). The instant case was registered and the vehicle was seized by police.

The present petitioner has filed the instant petition claiming to be owner of the vehicle in question; that he had given the vehicle to the accused Sher Jan for driving, on monthly salary. The petitioner claims that he was not in knowledge of the alleged illegal activity being committed in the said vehicle. The petitioner has produced one Abdul Majeed in court today, from whom he claims to have purchased the vehicle. Accused Sher Jan (last possessor of vehicle) has also appeared in court today. The owner and last possessor have submitted affidavits in favour of present petitioner, which are placed on file.

Arguments heard and record perused; which shows that:

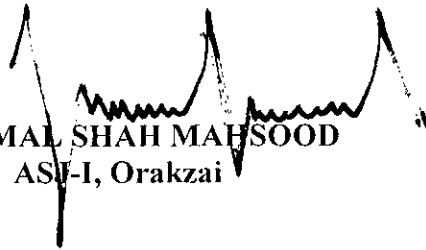
1. The petitioner is in possession of the original registration book of the vehicle in question and sale deed in his favour (copies are placed on file).
2. The petitioner is not an accused in the case and there is nothing on the record which would establish that he had knowledge about any illegal activity taking place in his vehicle.

  
 JAMAL SHAH MAHSUD  
 Addl: District & Sessions Judge-I,  
 Orakzai at Hangu

3. There is no rival claimant and no useful purpose would be served by keeping the vehicle in question in PS for indefinite period.

In the circumstances stated above, the petitioner is deemed entitled to the temporary custody of the vehicle on Superdari. Resultantly, the instant petition is allowed and it is hereby directed that vehicle mentioned above (double-cab pick-up ID-5427) be handed over to the petitioner Khwaja Amin Shah; subject to furnishing of bonds in the sum of Rs.500,000/- (five lac) from two local and reliable sureties, each in the like amount, to the satisfaction of the SHO concerned. The petitioner shall be bound to produce the vehicle before any court of law or investigating officer as and when required. The SHO is directed to place a copy of bonds on record. Let copy of this order be placed on record. File be consigned to Record Room after its completion.

**Announced**  
**18-08-2020**

  
**JAMAL SHAH MAHSOOD**  
**ASI-I, Orakzai**