


IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI,
AT BABAR MELA

Criminal Misc application No.26 of 2021

Tariq Shah Vs State

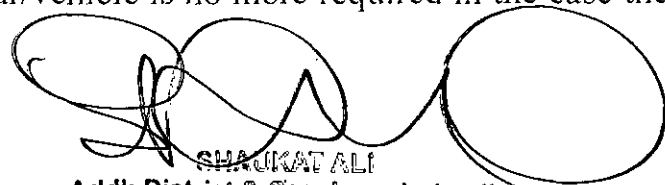
ORDER
17.02.2021

Mr. Sana Ullah Advocate, Learned counsel for the petitioner along with petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the State present.

The petitioner Tariq Shah s/o Din Badshah r/o School banda Shahu Khel District Hangu through the instant application seeking the return of Motorcar Toyota Corolla No. DGE-9333 Model 1986 taken into possession by the police of PS Upper Orakzai in case FIR No.06 dated 31-01-2021 U/S 302/324/436/353/148/149 PPC.

Arguments of learned counsel for the petitioner and Sr.PP for the state heard and record peruse.

The record would reflect that the vehicle in question got damaged as a result of firing in the instant case which was taken into possession by the police vide recovery memo on 31-01-2021, however the record does not show that the vehicle was used in the commission of any offence. The vehicle in question is now parked in the PS. The petitioner produced the sale deed and original documents along with transfer letters of the motorcar which shows that the petitioner is the bona fide owner of the vehicle in question. Furthermore there is no rival claimant of the vehicle and if the same remained parked in PS there is a likelihood of its damage. The motorcar/vehicle is no more required in the case therefore to further


SHAIKAT ALI
Addl: District & Sessions Judge-II,
Orakzai Hangu

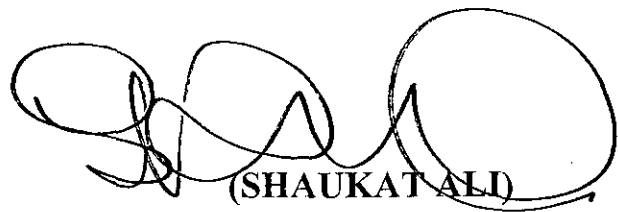
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retain it in the PS it will serve no useful purpose rather there is likely hood of its being damaged.

In view of the above discussion the petition in hand is accepted and the vehicle motorcar is ordered to be returned to the petitioner subject to furnishing of surety bonds in some of Rs.200,000/- with two sureties each in like amount to the satisfaction SHO PS Upper Orakzai. The petitioner is directed to produce the vehicle when it is required before the court or to the local police. Copy of this order along with copy of application be sent to SHO PS concern for compliance. The SHO is directed to take photos of the vehicle and placed it on file.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
17.02.2021


(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela