

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

Criminal Misc application No.10/6 of 2021
Naikzar..... Vs..... State


ORDER
29.04.2021

Petitioner along with Mr. Sana Ullah Advocate present. Mr. Nisar Ahmed APP for the state present. Record received.

The petitioner Naikzar s/o Khwaj Muhammad r/o caste Aka Khel Man Talab Maira Tehsil and District Orakzai through the instant application seeking the return of Motor cycle Honda-125CC bearing FX-6694 Model-2016 Engine No. 8783623 and Chasis No. EA265809 taken into possession by the police of PS Lower Orakzai in case FIR No.45 dated 06-04-2021 U/S 9(d) KP CNSA.

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

The record would reflect that there are no secret cavities in the Motor cycle and the contraband was allegedly recovered from beneath the seat of Motorcycle. The petitioner produced the original documents of Motor cycle in question which shows that the petitioner is the owner of the Motor cycle. There is no rival claimant of the Motor cycle and if the Motor cycle remained parked in PS there is a likelihood of its damage. The petitioner is not accused in the instant case and there is no possibility of any tempering with Motor cycle by the petitioner as no secret cavity is there in the Motor cycle. Furthermore the investigation the case is

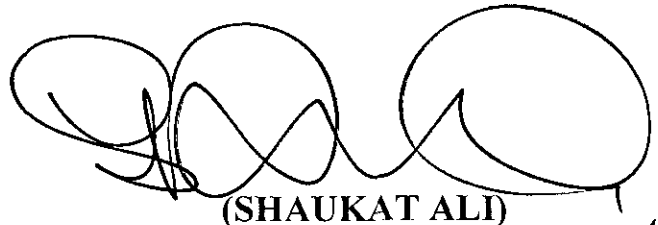

SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu

complete and the Motor cycle is no more required to the police.
The copies of the documents placed on file.

In view of the above discussion the petition in hand is accepted and the Motor cycle is ordered to be returned to the petitioner subject to furnishing of surety bonds in some of Rs.100,000/- with two sureties each in like amount to the satisfaction of this court or MOD. The petitioner is directed to produce the Motor cycle when it is required before the court or to the local police and the petitioner shall not sell the Motor cycle till the conclusion of the trial.

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

Announced
29.04.2021



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