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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT**  
**ORAKZAI, AT BABAR MELA**

Superdari Petition No. 14/6 of 2021  
Dast Ali Jan Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	09/08/2021	<p>Petitioner in person along with counsel Noor Mir Jan Advocate and Mr. Amir Shah APP for State are in attendance.</p> <p>2. This is the disposal of Superdari petition presented by petitioner Dast Ali Jan son of Khaista Khan resident of Qum Rabia Khel, District Orakzai for return of Vehicle Land Cruiser manufactured in the year 1997 bearing registration No. SAH-27 with chassis No. KZJ-950066274 of white color and 9MM Pistol bearing No.TFM-20671; seized by local Police in FIR No. 27 dated 29-07-2021 registered under Section 9D of the KP CNSA 2019, Section-4 of Prohibition Order read with Section-15 of KP Arms Act-2013.</p> <p>3. Learned counsel for petitioner and learned Assistant Public Prosecutor for state were heard at length and file gone through.</p> <p>4. Brief facts of the case are such that Mr. Saleem Khan SHO of Police Station Ghiljo, Orakzai was reportedly available on barricade. A land cruiser jeep of red wine color bearing registration No. SAH-27 was stopped for search at check post. Dast Ali Jan s/o Khaista Khan was driving the vehicle; Muhammad Ishtiq s/o Abdul Kamal was setting on front seat; whereas, Asif alias Faiz Khan s/o Sharbat Khan was setting on second seat of the vehicle. On suspicion, the vehicle was searched; 03 packets measuring 1100 grams each with total of 3300 grams of chars were found in possession of person setting in second seat of the vehicle. A 9mm pistol bearing No. TFM-20671 with fixed charger and live rounds was recovered from the driver and on bottle locally manufactured wine was recovered from</p>

  
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the man on front seat. Criminal Law was brought into motion against the accused and resultantly, FIR bearing No. 27 dated: 29/07/2021 was registered against the accused by attracting Section 9-D of the KP Control of Narcotics Substances Act, 2019; Section-4 of the Prohibition Order and Section 15 of KP Arms Act 2013, in Police Station Ghiljo of District Orakzai. The Vehicle referred above has been taken into possession by local Police; therefore, application for return of Vehicle and 9MM Pistol is presented which is under consideration.

5. Perusal of case file reflects that though the chars has allegedly been recovered from the person setting in the back seat of the referred Vehicle; yet, the recorded owner of the Vehicle (present petitioner) has been given the role of mere having 9MM Pistol. There is no secret cavities in the Vehicle and due knowledge of the petitioner regarding chars in possession of person setting on the back seat of the Vehicle is question of fact to be determined in the stage of trial. The petitioner produced documents in respect of the Vehicle (Original returned and photocopies placed on file) which speaks that he is recorded owner of the same as well as last possessor. There is no rival clement as well and retaining the Vehicle in Police Station will serve no purpose except decay. Similarly, the accused produced valid license bearing No.1-1-0015640-Peshawar, issued to petitioner which speaks volumes about the validity of the possession and ownership of Pistol.

6. For what has been discussed above, instant Superdari petition stands allowed. The Vehicle as well as Pistol (both referred above) shall be returned to petitioner subject to furnishing surety bonds to the tune of Rs. 20 lacs and 1 lac respectively, with 02 sureties, each in the like amount to the satisfaction of SHO of Police Station Ghiljo. The petitioner will remain bound to produce the Vehicle as well as Pistol whenever required to Police or Court.

  
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7. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.



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