

**IN THE COURT OF SAYED FAZAL WADOOD**  
**ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT,**  
**ORAKZAI**  
**(AT BABER MELA)**

SPECIAL CASE NO. : 36/3 OF 2021  
DATE OF INSTITUTION : 08.10.2021  
DATE OF DECISION : 15.01.2022

STATE THROUGH SALEEM KHAN SHO, PS GHILJO

.....(COMPLAINANT)

-VERSUS-

**FAIZ ULLAH SON OF RAZA KHAN AND MUHAMMAD SAUD S/O**  
**DEEDAN GUL R/O MISHTI TAPPA DARVI KHEL DISTRICT**  
**ORAKZAI** (ACCUSED FACING TRIAL ON BAIL)


**Present:** Amir Shah, DyPP for State.

**FIR No. 36**                      **Dated:** 08.10.2021    **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Ghiljo

**JUDGEMENT**  
15.01.2022

The above-named accused are charged for the offence u/s 9 (d) KP CNSA vide FIR no. 36, dated 08.10.2021 of Police Station Ghiljo.


- (2). As per contents of FIR, the complainant Saleem Khan SHO along with other police officials, were reportedly on patrolling of the area, when accused were riding on their motorcycle red color CG-125 CC, without number, Engine No.BOF-03426, Chassis No. ZXPBOG01005, was stopped by the local police. By search of the Motorcycle, the local police recovered 3 packets of chars from side covers of said Motorcycle which were wrapped in yellow scotch tape. Upon weighment of each packet it came out 1050/1050 grams total 3150 grams.

  
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Consequently, the captioned FIR was registered that given birth to the subject case.


(3). After completion of investigation, complete challan was put in court. The accused were summoned who accordingly appeared before the Court and they pleaded guilty for the reasons that they are poor persons, cannot afford the expenses of litigation, and that being first offenders, lenient view may be taken against them. Application is placed on file. In view of the application of accused, prosecution did not want to produce the evidence. Statement of the accused recorded u/s 342 of the Code of Criminal Procedure 1898.

(5). Perusal of case file shows that the accused were having 3150 grams of chars in their possession; therefore, they are held guilty of the offence punishable u/s 9 (d) of KP CNSA 2019. Hence, they are convicted of the offence. But as the accused are first offenders and there is no record of their previous involvement in such like offences; therefore, they must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt by the accused, poor financial status and recovery of only 3150 grams of chars, by taking a lenient view, instead of sentencing them at once, they are placed on probation for a period of three year subject to the executing of bonds in the sum of Rs. 50,000/- with two sureties to the effect that the accused would commit no offence and to keep the peace and be of good behavior during the period of bond and to appear and receive the sentence, if called

  
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Addl: District & Sessions Judge  
Orakzai at Hangu

upon to do so during that period to the satisfaction of Probation Officer concerned. Case property i.e., chrs be destroyed in accordance with law after the period provided for appeal/revision. File of this Court be consigned to District Record Room Orakzai after necessary completion and compilation within span allowed for.

**Announced:**  
15.01.2022

  
**Sayed Fazal Wadood,**  
AD&SJ/JSC, Orakzai at Baber Mela

**CERTIFICATE**

Certified that this Judgment consists of three (03) pages. Each page has been read over, corrected wherever necessary and signed by me.

Dated: 15.01.2022

  
**Sayed Fazal Wadood,**  
AD&SJ/JSC, Orakzai at Baber Mela