

**IN THE COURT OF SHAUKAT AHMAD KHAN**  
**SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI**  
**(AT BABER MELA)**

SPECIAL CASE NO. : 52/3 OF 2021  
DATE OF INSTITUTION : 27.09.2021  
DATE OF DECISION : 12.10.2021

STATE THROUGH SALEEM KHAN SHO, PS GHILJO

.....(COMPLAINANT)

-VERSUS-

ACCUSED MUHAMMAD NAWAB S/O ISLAM BADSHAH, AGED ABOUT 36 YEARS, TRIBE MAMOZAI, SUB-TRIBE SIPAYE HAWAS KHEL, KACH GARHI

..... (ACCUSED FACING TRIAL ON BAIL)


**Present:** Umar Niaz, District Public Prosecutor for State.  
: Khursheed Alam Advocate for accused.

**FIR No. 31**                      **Dated:** 27.08.2021      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Ghiljo

JUDGEMENT  
12.10.2021

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR no. 31, dated 27.08.2021 of Police Station Ghiljo.

(2). As per contents of FIR, the complainant Saleem Khan SHO alongwith other police officials, acting on information regarding smuggling of chars by the accused named above, laid a picket on the spot where a flying coach on way from Dabori was stopped for checking. The above-named accused sitting on the front seat of the vehicle was boarded and a white colour plastic sack in his lap was checked which led the complainant to the recovery of 1100 grams of chars.

  
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(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the court and submitted application for disposal of his case on the basis of plead guilty waving of his rights provided u/s 265-C Cr.P.C, for the reasons that he is a poor person, handicapped on both his legs, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against him. 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 Cr.P.C.

(5). Arguments heard and record perused. Perusal of case file shows that the accused was having 1100 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA. Hence, he is convicted of the offence. But as the accused is first offender and there is no record of his previous involvement in such like offences. Besides the accused is handicapped and of young age; therefore, he must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, his physical condition, poor financial status and recovery of only 1100 grams of chars by taking a lenient view, instead of

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sentencing him at once, he is placed on probation for a period of two years 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 upon to do so during that period to the satisfaction of Probation Officer concerned. Case property i.e., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.

**Announced:**  
12.10.2021



**SHAUKAT AHMAD KHAN)**  
Sessions Judge/Judge Special  
Court, Orakzai at Baber Mela

**CERTIFICATE**

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

Dated: 12.10.2021



**(SHAUKAT AHMAD KHAN)**  
Sessions Judge/Judge Special  
Court, Orakzai at Baber Mela

