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

SPECIAL CASE NO. : 4/3 OF 2022  
DATE OF INSTITUTION : 24.01.2022  
DATE OF DECISION : 29.01.2022

STATE THROUGH INSPECTOR FAROOQ KHAN, POLICE STATION  
KUREZ

.....(COMPLAINANT)

-VERSUS-

JUMA KHAN S/O MANI KHEL, CASTE AFRIDI, R/O MANZAKHEY

..... (ABSCONDING ACCUSED)

**Present:** Umar Niaz, District Public Prosecutor for State.

**FIR No.** 13                      **Dated:** 27.07.2021      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.  
**Police Station:** Kurez

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ORDER NO. 02  
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DPP, Umar Niaz for the State present. Accused Juma Khan absconding. SW Khalid present and his statement recorded as SW-1. PWs; Hassan Jaan ASHO, MHC Zaman Ali, Inspector Farooq Khan, Haj Wali HC, Mohsin Ali SI, Naimat Ali SHO and Rameez Ul Hassan constable present and examined as PW-1 to PW-7 respectively. The prosecution abandoned remaining PWs and closed its evidence.

- (2). Arguments heard and record perused.
- (3). The case of the prosecution as per contents of Murasila Ex. PA/1 converted into FIR Ex. PA is; that on 27.07.2021 the complainant, Inspector Farooq Khan, PW-3 alongwith

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other police officials acting upon the information regarding smuggling of narcotics via motorcycle, laid a picket on the spot where at about 1600 hours, a motorcycle riding by one person, without registration number, on way from Feroz Khel side towards the spot, on seeing the police party stopped the motorcycle at some distance. The person who was identified as Juma Khan s/o Mani Khel, when called by the police, threw a bag and made his escape good from the spot. The search of the bag led the complainant/PW-3 to the recovery of 10 packets of chars, packet no. 1 to 6 on weighing turned 1000 grams while packet no. 7 to 10 on weighing turned 400 grams (total of 7600 grams of chars). The complainant/PW-3 separated 10 grams of chars from each packet for chemical analysis of FSL, packed and sealed the same into parcels no. 1 to 10 whereas the remaining quantity of chars weighing 7500 grams were packed and sealed in parcel no. The complainant/PW-3 took into possession the recovered chars alongwith the said motorcycle vide recovery memo Ex. PC. Murasila Ex. PA/1 was drafted and sent to the PS which was converted into FIR Ex. PA by PW-2 MHC Zaman Ali. Hence, the present case.

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- (4). After completion of investigation, the prosecution submitted challan against the accused Juma Khan u/s 512 Cr.P.C. The absconding accused Juma Khan was proceeded u/s 512 Cr.P.C and the prosecution was directed to produce

(b)

evidence in absentia of the accused. Accordingly, the prosecution produced and examined as many as 07 witnesses.

- (5). It is evident from the record that despite being proceeded u/s 204 Cr.P.C as well as u/s 87 Cr.P.C, accused Juma Khan is avoiding his lawful arrest. As per evidence recorded by the prosecution, a prima facia case has made out against the absconding accused Juma Khan s/o Mani Khel; hence, he is declared proclaimed offender. Perpetual warrant of arrest be issued against him and DPO, Orakzai is directed to enter his name in the register of proclaimed offenders. All the legal course be adopted for his arrest and he be brought before the court as and when arrested. Consign.

**Pronounced**  
29.01.2022



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