

10

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

SPECIAL CASE NO. : 18/3 OF 2021  
DATE OF INSTITUTION : 27.07.2021  
DATE OF DECISION : 27.10.2021

STATE THROUGH RAEES KHAN ASHO, PS KALAYA

.....(COMPLAINANT)

-VERSUS-

**MUNIR S/O GULA NOOR AND GHULAM HASSAN S/O GHULAM  
MUHAMAMD R/O JALAKA BEZOT MELA DISTRICT ORAKZAI**  
(ACCUSED FACING TRIAL ON BAIL)

**Present:** Amir Shah, AAP for State.  
: Khursheed Alam Advocate for accused.

**FIR No. 20**                      **Dated:** 14.02.2021      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Kalaya

JUDGEMENT  
27.10.2021

The above-named accused are charged for the offence u/s 9 (d) KP CNSA vide FIR no. 20, dated 14.02.2021 of Police Station Kalaya.


(2). As per contents of FIR, the complainant Raees Khan ASHO along with other police officials, present on barricade, stopped the accused while riding on their Motorcycle. One plastic shopper of blue color was lying between both of the accused on said Motorcycle which was recovered by the local police. On search of the said plastic shopper it contained one packet of Chars which was found 1100 grams after its weighment through digital scale. Consequently, the captioned FIR was registered that given birth to the subject case.



**SAYED FAZAL WADOOD**  
Addl: District & Sessions Judge  
Orakzai at Hangu

(3). After completion of investigation, complete challan was put in court. The accused were summoned who accordingly appeared before the Court and submitted application for disposal of case on the basis of plead 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 1100 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 1100 grams of chars, by taking a lenient view, instead of sentencing them at once, they are placed on probation for a period of one 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 upon to do so during that period to the satisfaction of Probation Officer

  
SAYED FAZAL WADOOD  
Addl. District & Sessions Judge  
Orakzai at Nangu

concerned. Case property i.e., chargs 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:**  
27.10.2021

  
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: 27.10.2021

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