

71

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

SPECIAL CASE NO. : 3/3 OF 2022  
DATE OF INSTITUTION : 20.01.2022  
DATE OF DECISION : 08.02.2022

STATE THROUGH IBRAHIM KHAN SHO, POLICE STATION  
GHILJO

.....(COMPLAINANT)

-VERSUS-

1. ALAM SHER KHAN S/O UMAR DARAZ, AGED ABOUT 24 YEARS, R/O CASTE BULAND KHEL, TAPA MASTI KHEL, DISTRICT ORAKZAI
2. JAAN SHER KHAN S/O UMAR DARAZ, AGED ABOUT 21 YEARS, R/O CASTE BULAND KHEL, TAPA MASTI KHEL, DISTRICT ORAKZAI

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

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

**FIR No. 41**                      **Dated:** 16.12.2021      **U/S:** 11A & 9 (c) of the  
Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019

**Police Station:** Ghiljo

JUDGEMENT

08.02.2022


The above-named accused is charged for the offence u/s 11A & 9 (c) of the Khyber Pakhtunkhwa CNSA vide FIR no. 41, dated 16.12.2021 of Police Station Ghiljo.

- (2). As per contents of FIR, the complainant Saleem Khan SHO alongwith other police officials, acting on information regarding selling of chars and ice by the above-named accused, reached the Hujra of Umar Daraz (the father of accused) where both the above-named accused were overpowered on the spot. The personal search of accused Alam Sher Khan led the complainant to the recovery of 30 grams of ice while from personal

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
08/02/22

search of accused Jaan Sher Khan, 600 grams of chars and 30 grams of ice were recovered.

(3). After completion of investigation, complete challan was put in court. The accused were summoned who accordingly appeared before the court, record of the case was provided to them u/s 265-C CrPC and charge was framed against both the accused to which they pleaded guilty and submitted application for disposal of their 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 its evidence. Statements of both the accused recorded u/s 342 Cr.P.C.

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
88/07/22

(5). Arguments heard and record perused. Perusal of case file shows that each of the accused was having 30 grams of ice in their possession besides the accused Jaan Sher was also having 600 grams of chars in his possession; therefore, both the accused are held guilty of the offence punishable u/s 11A of the Khyber Pakhtunkhwa CNSA, 2019. The accused Jaan Sher Khan is also held guilty of the offence u/s 9 (c) of the Khyber Pakhtunkhwa CNSA, 2019. Hence, they are convicted of the offence. As both the accused are first offenders and

there is no record of their previous involvement in such like offences. Besides both the accused are of young age; therefore, they must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, their poor financial status and recovery of 60 grams of ice and 600 grams of chars by taking a lenient view, instead of sentencing them at once, they are 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 by each of accused 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., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.

**Pronounced:**

08.02.2022



**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: 08.02.2022



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