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

SPECIAL CASE NO. : 5/3 OF 2022  
DATE OF INSTITUTION : 27.01.2022  
DATE OF DECISION : 16.01.2022

STATE THROUGH NAIMAT KHAN SHO, PS KUREZ BOYA

.....(COMPLAINANT)

-VERSUS-

ACCUSED SHAMS HAIDER S/O SIRAB ALI, AGED ABOUT 20  
YEARS, R/O USTERZAI PAYAN, DISTRICT KOHAT

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

**Present:** Umar Niaz, District Public Prosecutor for State.  
: Mr. Abid Ali Advocate for accused.


**FIR No. 26**                      **Dated:** 05.11.2021      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Kurez Boya

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**JUDGEMENT**  
**16.02.2022**


The above-named accused is charged for the  
offence u/s 9 (d) of the Khyber Pakhtunkhwa Control of  
Narcotic Substances Act, 2019 vide FIR no. 26, dated  
05.11.2021 of Police Station Kurez Boya.

- (2). As per contents of FIR, the complainant,  
Naimat Khan SHO alongwith other police officials  
having laid a picket on the spot stopped a pick-up on way  
from Kalaya for checking. The above-named accused  
sitting in the vehicle was deboarded and 01 packet of  
chars wrapped in yellow colour adhesive tape, weighing  
1010 of chars was recovered from his possession.

  
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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, formal charge was framed against him to which he pleaded guilty and do not claim trial and submitted application for disposal of his case on the basis of plead guilty for the reasons that he is a poor person, 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 1010 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019. 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 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 poor financial status and recovery of only 1010 grams of chars by taking a lenient view,

  
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instead of 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., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.

**Pronounced:**  
16.02.2022



**SHAUKAT AHMAD KHAN)**  
Sessions Judge/Judge Special  
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**CERTIFICATE**

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

Dated: 16.02.2022



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