

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

SPECIAL CASE NO. : 48/3 OF 2021  
DATE OF INSTITUTION : 20.08.2021  
DATE OF DECISION : 27.11.2021

STATE THROUGH NAIMAT ALI SHO, PS KUREZ BOYA

.....(COMPLAINANT)

-VERSUS-

SYED SAJID HUSSAIN S/O YOUNIS HUSSAIN, AGED ABOUT 31 YEARS, R/O TRIBE BAR MUHAMMAD KHEL, TAPA BABA NAWASI, VILLAGE KHAMAL, DISTRICT ORAKZAI

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

**Present:** Umar Niaz, District Public Prosecutor for State.  
: Tajamal Hassan Advocate for accused facing trial.

**FIR No. 10**                      **Dated:** 10.07.2021    **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019

**Police Station:** Kurez Boya

**JUDGEMENT**  
27.11.2021

The above-named accused is charged for the offence u/s 9 (d) Khyber Pakhtunkhwa CNSA vide FIR no. 10, dated 10.07.2021 of Police Station Kurez Boya.

As per contents of FIR, the complainant Naimat Ali SHO alongwith other police officials having laid a picket were present on the spot. At about 1440 hours on main road Kalaya to Kacha Paka near Dawaliye chowk, a person on his way towards the picket and on seeing the police party tried to escape but he was overpowered by the complainant. A bag held by the accused in his hand was recovered from his possession by the complainant

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which led the complainant to the recovery of 02 packets of chars, each weighing 1200 grams (total 2400 grams of chars recovered).

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the documents were provided to him u/s 265-C Cr.P.C, formal charged was framed against him to which he pleaded not guilty and claimed trial.

(4). The prosecution was directed to produce evidence. Today the case was fixed for evidence of the prosecution; however, the accused 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 is recorded u/s 342 Cr.P.C.

(5). Arguments heard and record perused. Perusal of case file shows that though the accused has pleaded not guilty to the charge already framed against him; however, he has confessed his guilt vide his application submitted today. The accused was having 2400 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of Khyber Pakhtunkhwa

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Control of Narcotic Substance Act. 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; therefore, he must have a chance of repentance and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, poor financial status and recovery of only 2400 grams of chars by taking a lenient view, 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:**

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**(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: 27.11.2021



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