

IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 37/3 OF 2023
DATE OF INSTITUTION : 21.11.2023
DATE OF DECISION : 06.01.2024

STATE THROUGH NASIR AHMAD SHO, POLICE STATION
KALAYA

.....(COMPLAINANT)

-VERSUS-

KHIAJAD S/O HASHIM KHAN, CASTE STORI KHEL, TARKHO SAM

..... (ABSCONDING ACCUSED)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 77 **Dated:** 27.07.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.
Police Station: Kalaya

ORDER NO. 06
06.01.2024

DPP, Umar Niaz for the State present. Accused
Khiajad is absconding. PWs Gul Karim constable,
Muhammad Jameel MHC and Muhammad Hanif OII present
and examined as PW-3 to PW-5 respectively. The
prosecution abandoned remaining PWs and closed its
evidence.

- (2). Arguments heard and record gone through.
- (3). The case of the prosecution as per Murasila Ex. PA
based FIR Ex. PA/1 is; that on 27.07.2023 the complainant
Nasir Ahmad SHO/PW-1 along with constables Muhammad
Irshad/PW-2 and Wajid Ullah while patrolling the area in
official vehicle driving by Abid Gul were present in Sheeraz
Garhi Bazar, where the complainant received information


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about smuggling of narcotics by Khiajad s/o Hashim Khan from Anjani Bazar to District Khyber via motorcycle. The complainant, on this information, laid a picket on the spot where at about 1100 hours a person riding a motorcycle having a white colour plastic bag tied with a rope behind his motorcycle on way from Anjani Bazar towards the picket, on seeing the police party turned back and he was chased by the police but after covering some distance he abandoned the motorcycle and made his escape good from the spot. The search of the bag led the complainant to the recovery of 29 packets of chars, wrapped with yellow colour scotch tape, each on 1000 grams making a total of 29,000 grams while the empty bag along with the rope turned 309 grams. The complainant/PW-1 separated 10 grams of chars from each packet for chemical analysis through FSL and sealed the same into parcels no. 1 to 29 whereas the remaining quantity of chars weighing 990 grams each were sealed in parcels no. 30 to 58 and the empty bag along with the rope were sealed in parcel no. 59, by affixing monogram of 'NA' on all parcels. The complainant/PW-1 took into possession the recovered chars and the motorcycle in question vide recovery memo Ex. PC. Murasila Ex. PA was drafted and sent to the Police Station through constable Muhammad Irshad/PW-2 which was converted into FIR Ex. PA/1 by Muhammad Jameel MHC/PW-4.


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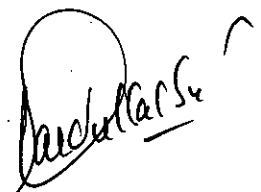
(4). After completion of investigation, the prosecution submitted challan against the absconding accused Khiajad who was proceeded u/s 512 Cr.P.C and the prosecution was directed to produce evidence in absentia of the accused. Accordingly, the prosecution produced and examined as many as 05 witnesses.

(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, the accused is avoiding his lawful arrest and there is no likelihood of his arrest in near future. As per evidence recorded by the prosecution, a prima facia case has been made out against the absconding accused **Khiajad**; 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. Case property be kept intact till arrest of the accused and final disposal of the case.

Order announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 06.01.2024




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