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**STATE VS ASMAT ULLAH ETC.**

**FIR No. 05 | Dated: 12.03.2022 | U/S: 9 (d) of the Khyber  
Pakhtunkhwa CNSA 2019 | Police Station: Ghiljo**

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

SPECIAL CASE NO. : 17/3 OF 2022  
DATE OF INSTITUTION : 16.05.2022  
DATE OF DECISION : 30.05.2022

STATE THROUGH IBRAHIM KHAN SHO, PS GHILGO  
.....(COMPLAINANT)

-VERSUS-

1. ACCUSED ASMAT ULLAH S/O KHAN ZAMEER, AGED ABOUT 32/33 YEARS, R/O KAH I DISTRICT HANGU
2. ACCUSED MUHAMMAD SHIR S/O MEWA GUL, AGED ABOUT 25/26 YEARS, R/O AKHIL, TAPA MARKI KHEL, DISTRICT ORAKZAI

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

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

**FIR No. 05**                      **Dated:** 12.03.2022      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Ghiljo

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**JUDGEMENT**  
30.05.2022

The above-named accused is charged for the offence u/s 9 (c) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR no. 05, dated 12.03.2022 of Police Station Ghiljo.

- (2). As per contents of FIR, the Ibrahim alongwith other police officials acting on the information regarding smuggling of narcotics laid a picket on the spot where at about 1200 hours, a motorcycle driving by accused Sher Muhammad alongwith co-accused Asmat Ullah seated on the rear seat of the motorcycle was stopped by the complainant and recovered 2440 grams of chars from lap of accused Asmat Ullah.

**Shaukat Ahmad Khan**  
District & Sessions Judge,  
Orakzai at Baber Mela

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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, copies of the record were given to the accused in line with section 265-C CrPC. Today, the case was fixed for framing of charge; however, the accused 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 the evidence. Statements of both the accused are recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused were having only 2440 grams of chars in their possession; therefore, they are held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotics Substance Act, 2019. Hence, they are convicted of the offence. But as both the accused are first offender and there is no record of their previous involvement in such like offences. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, their poor financial status and recovery of only 2440 grams of chars by taking a lenient view,

  
Shaukat Amirul Khan  
District & Sessions Judge,  
Bahawalpur District Bahawalpur

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instead of sentencing them at once, they are placed on probation for a period of 01 (one) year 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., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.



**Pronounced:**  
30.05.2022

**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: 30.05.2022

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