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IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA

Superdari Petition No. 03/4 of 2022
Hazrat Ali Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 5	03/03/2022	<p>Petitioner in person along Aurangzeb Khan Advocate and Javid Akhtar Wazir Sr.PP for the State are in attendance. Record received and Arguments heard; whereas, this is the disposal of Criminal Misc Application bearing No. 03/4 of 2022.</p> <p>Petitioner Hazrat Ali son of Shafi Ullah Khan resident of Qaum Shaho Khel, District Hangu is seeking return of Suzuki Pickup Ravi bearing Model 2019, make Suzuki Pakistan, Chassis No. SR-308PK463255 with Engine No. PKT-358420, which is applied for registration, taken into possession by local police in case FIR No.37 dated 27-10-2021 registered U/s 9-D/KP CNSA, 2019 at Police Station Mishti Mela, District Orakzai.</p> <p>Learned counsel representing petitioner is of the stance that petitioner is the owner as well as last possessor of the vehicle. The retention of at Police Station is neither helpful in investigation for being the case put in Court nor serve any other useful purpose except destruction of valuable asset. He added that the vehicle is fresh being of new model and its unauthorized use by police had further aggravated situation that led to file instant application.</p> <p>Learned Senior Public Prosecutor argued that the</p>


SAYED FAZAL WADOOD
Adtl: District & Sessions Judge
Orakzai at Hangu

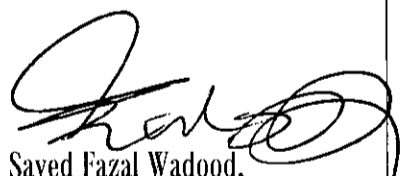
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vehicle is case property used in commission of offence and its return is not reasonable.

The bare reading of Section-34 A(2) of the KP Control of Narcotics Act 2019 prohibits the grant of custody of the vehicle used in import export or transportation of narcotics substance till the conclusion of the case. However, this prohibition is not extendable to owner of vehicle who has no hand and involvement in the crime. The petitioner is single accused in the case and secret cavities are available in vehicle; therefore, he being not involved in the case on the face of it is presumption that is not supported by record available on file. Grant of custody before its exhibition in the trial seems improper.

For what has been discussed above, petition under adjudication stands dismissed. Record be returned with copy of this Order. File be consigned to the District Record Room, Orakzai after its completion within the span allowed for.

Announced in open Court


Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela