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STATE VS FARID ULLAH
FIR No. 33 | Dated: 25.08.2023 | U/S: 9 (d) & 11-A of the Khyber
Pakhtunkhwa CNSA 2019 | Police Station: Mishti Mela

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

SPECIAL CASE NO. : 33/3 OF 2023
DATE OF INSTITUTION : 26.09.2023
DATE OF DECISION : 14.02.2024

STATE THROUGH AFTAB AHMAD SHO, POLICE STATION MISHTI
MELA

.....(COMPLAINANT)

-VERSUS-

FARID ULLAH S/O NOOR MUHAMMAD KHAN, AGED ABOUT 37
YEARS, R/O CASTE MISHTI, TAPA DARWI KHEL, MALAYANO
KALAY, PO MISHTI MELA, TEHSIL CENTRAL DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for the State
: Sana Ullah Khan Advocate for accused

FIR No. 33 **Dated:** 25.08.2023 **U/S:** 9 (d) and 11-A of
the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Mishti Mela

JUDGMENT
14.02.2024

The above-named accused is charged for the
offence u/s 9 (d) and 11-A of the Khyber Pakhtunkhwa
CNSA, 2019 vide FIR No. 33, dated 25.08.2023 of
Police Station Mishti Mela.

- (2). As per contents of FIR, the complainant, Aftab
Ahmad SHO along with other police officials in official
vehicle, acting on information regarding buying/selling
of narcotics by accused Farid Ullah in his shop, raided
the shop of accused at about 1720 and found two white
colour plastic shoppers in a showcase wherefrom 45
grams of ice and 1300 grams of chars were recovered.


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

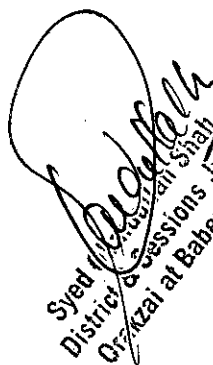
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(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the record were provided to him u/s 265-C CrPC and he was charge sheeted but he pleaded not guilty and claimed trial. Today, the case was fixed for prosecution evidence; however, the accused submitted application for disposal of his case on the basis of plead guilty on the grounds mentioned therein. Application is placed on file.

(4). Arguments heard and record gone through.

(5). Perusal of the case file reveals that the accused was having only 1300 grams of chars and 45 grams of ice in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) and 11-A of the Khyber Pakhtunkhwa CNSA, 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 and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused and recovery of only 1300 grams of chars and 20 grams of ice by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one (01) year subject to the executing of bonds in the sum of Rs.


Syed Farid Ullah
District Sessions Judge
Qazai at Baber Mela

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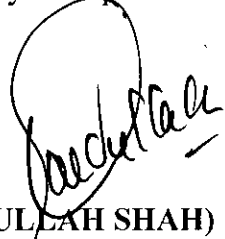
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50,000/- with two sureties to the effect that the accused would commit no offence and to keep the peace and be of good behavior during the period of bond and to appear and receive the sentence, if called upon to do so during that period to the satisfaction of Probation Officer concerned. Accused is on bail. His bail bonds stand cancelled and his sureties are discharged of the liabilities of the bail bonds. Case property be destroyed in accordance with law after the period provided for appeal/revision.

- (6). Judgment announced. File of this court be consigned to record room after its necessary completion and compilation.

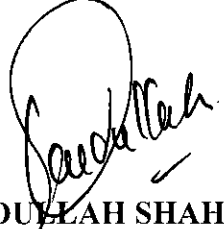
Dated: 14.02.2024


(SYED OBAIDULLAH SHAH)
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: 14.02.2024


(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

