

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

CR. MISC. APPLICATION NO. : 3/4 OF 2024  
DATE OF INSTITUTION : 17.02.2024  
DATE OF DECISION : 19.02.2024

MUHAMMAD ISHTIAQ S/O MUSHTAQ MASEEH, R/O PREM  
NAGAR, FC LINE HANGU  
..... (PETITIONER)

-VERSUS-

STATE THROUGH SHO POLICE STATION KUREZ BOYA  
..... (RESPONDENT)

**Present** : Aurangzeb Khan Advocate for petitioner.  
: Umar Niaz District Public Prosecutor for the State.

**FIR No.** 04 **Dated:** 03.02.2024  
**U/S:** 15AA & 188/34 PPC **Police Station:** Kurez Boya

**ORDER:**  
19.02.2024

DPP, Umar Niaz for the State present. Petitioner  
Muhammad Ishtiaq along with his counsel Aurangzeb Khan  
Advocate present. Record received.

- (2). The above-named petitioner seeks return of a motorcar  
having Registration No. BD-4100/Peshawar, Chassis No.  
NZE121-3358753 and Engine No. 1NZC057626 taken into  
possession by the local police in the subject case FIR,  
wherein, as per contents of FIR, Shayaz Khan ASHO along  
with other police officials during routine patrolling laid a  
picket on Kurez Dawalye Road near Khanan Garhi where at  
about 1620 hours a black colour motorcar having  
Registration No. BD-4100/Peshawar on way from Kurez  
Bazar towards the picket, was stopped. The driver of the  
motorcar was made come down who disclosed his name as

  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

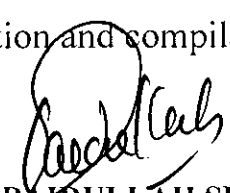
Muhammad Ishtiaq, the present petitioner. His personal search led the complainant to the recovery of a 30-bore pistol bearing no. A-4392 with a fixed charger and a spare charger containing 10 live rounds of 30-bore. Similarly, the personal search of a person namely, Aqid Ali occupying the front seat led the complainant to the recovery of a 12-bore rifle without number with a fixed charger containing 01 live round.

The petitioner present before the court produced original registration documents of the motorcar which were seen and returned.

- (3). Arguments heard and record gone through.
- (4). Perusal of the case file reveals that the petitioner is the last possessor of the motorcar in question. At present there is no rival claimant. Moreover, the investigation in the instant case is complete and the motorcar in question is no more required for further investigation.
- (5). In these circumstances, the petition in hand is accepted and the motorcar in question be returned to the petitioner subject to furnishing two surety bonds in the sum of Rs. 1,000,000/- to the satisfaction of SHO concerned.
- (6). Order announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 19.02.2024



  
SYED OBAIDULLAH SHAH  
Sessions Judge, Orakzai  
at Baber Mela