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IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: State VS Noor Ul Haq

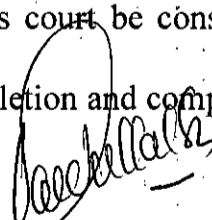
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.01	17.10.2024	<p>Complete Challan received from learned DPP, Orakzai along with application for discharge of the accused. Registered.</p> <p>DPP, Umar Niaz for the State present. Arguments on application heard.</p> <p>Accused Noor Ul Haq s/o Noorab Khan is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 vide FIR no. 112, dated 15.12.2023 of Police Station Kalaya wherein, as per contents of FIR, the complainant, Anwar Khan SI along with constables Manzoor Ali No. 424 and Muhammad Irshad No. 336 in an official vehicle driven by Muhammad Ayaz, during routine patrolling were present on the spot where at about 1100 hours, a Honda-125 Motorcycle without registration number having Engine No. 8901235 and Chassis No. EA383453, riding by two persons, amongst them a person occupying the pillion seat was having a white colour bag in his lap on way from Chaman Jana was signaled to stop but they, on seeing the police party, turned back who were chased by the local police and after covering some distance they fell down from the motorcycle, abandoned the motorcycle as well as the bag and made their escape good from the spot. Upon search of the bag, the complainant recovered 49 packed of chars, wrapped with yellow colour</p>


Syed Chaidullah Shah
District & Sessions Judge
Orakzai, at Baber Mela

FIR no. 112, Dated: 15.12.2023, u/s 9(d) CNCA, PS Kalaya

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		<p>scotch tape; each packet upon weighment amounted to 1000 grams of chars, making a total of 49000 grams of chars.</p> <p>Perusal of the case file reveals that the accused was neither arrested on the spot nor any recovery has been made from his direct possession. Moreover, there is nothing available on file to show that as to how the complainant was able to establish the identity of the accused named above. As such, the recording of evidence would be a futile exercise; therefore, the application of learned DPP for discharge of the accused within the meanings of section 4-C (II) and 5-B of the Khyber Pakhtunkhwa Prosecution Act, 2005 and request for withdrawal of the case u/s 494 Cr.P.C on the strength of deficient and weak evidence, is accepted and the above-named accused stands discharged from the instant case whereas the case stands dismissed as withdrawn. Bail bonds of the accused stand cancelled and his sureties stand absolved from the liabilities of bail bonds. Case property be disposed of in accordance with law.</p> <p>Order announced. File of this court be consigned to record room after its necessary completion and compilation.</p> <p>Dated: 17.10.2024</p> <p align="right">  (SYED OBAIDULLAH SHAH) Sessions Judge/Judge Special Court, Orakzai at Baber Mela </p>

