

**IN THE COURT OF BAKHT ZADA**  
**ADDITIONAL SESSIONS JUDGE-I, ORAKZAI (AT BABER MELA)**

CR. MISC. APPLICATION NO. : 5/4 OF 2024  
DATE OF INSTITUTION : 20.11.2024  
DATE OF DECISION : 28.11.2024

ASHOOR GUL S/O SAID AFZAR, R/O SULEMAN TALAB,  
SHAPOOR, DISTRICT KOHAT  
..... (PETITIONER)

-VERSUS-

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

**Present** : Mr. Sana Ullah Khan Advocate for petitioner.  
: Sr. PP Abul Qasim for the State.

**FIR No.** 62  
**U/S:** 9(d)CNSA

**Dated:** 30.10.2024  
**Police Station:** Kurez Boya

**ORDER:**  
28.11.2024

Sr. PP Abul Qasim for the State present. Petitioner along with Mr. Sana Ullah Khan Advocate present. Arguments heard and record gone through.

(2). The petitioner, Ashoor Gul s/o Said Afzal r/o Suleman Talab Shapoor, District Kohat is seeking return of white colour Pick-up bearing registration No. W-3196/Peshawar, model 1996, Engine No. 213317065, chassis No. LN85-0120042 which was taken into possession by the local police of PS Kurez Boya in case FIR 62, dated 30.10.2024, registered u/s 9(d) CNSA.

(3). Summarized fact of the case, accordingly to FIR, are that the local police had recovered chars weighing 1660 grams from under the driver seat. The petitioner alleged that he is last possessor/owner of the vehicle in question while the same was given to driver/accused Saida Baz on monthly rent. That petitioner

*Bakht Zada*  
28-11-24  
BAKHT ZADA  
Addl: District & Sessions Judge-1,  
Orakzai at Harigu

has purchased the same from one Jahanzeb Khan s/o Faqir Muhammad and regarding the said purchase receipt dated 25.04.2023 is annexed with instant bail application.

(4). Arguments heard and available record perused which shows that the vehicle in question was taken into possession by the local police of PS Kurez Boya and above-mentioned FIR while allegedly transporting Chars of 1660 grams recovered from under the driver seat. As per receipt of Bargain dated 25.04.2023 the vehicle in question is the ownership of one Ashoor Gul/petitioner and was driving by accused Saida Baz on monthly rent. Today, Saida Baz is also present in the court along with the accused who admitted and stated at the bar the vehicle in question is the ownership of the petitioner Ashoor Gul. It is also clear from record that the alleged recovery has not been effected from any secret cavity made in the vehicle for transportation of narcotics, furthermore, it will serve no useful purpose if the vehicle is left in the PS under the open sky for deterioration for indefinite period.

(5). In these circumstances, when the last possessor and seller have recorded their statement regarding the ownership of the vehicle that the same belongs to the petitioner, furthermore, the petitioner is not charged in the FIR and there is no secret cavity in the vehicle, therefore the petitioner is deemed entitled to the temporary custody of the vehicle on Superdari. Resultantly the instant petition is allowed and it is hereby directed that the vehicle mentioned above be handed over to the petitioner, Ashoor Gul subject to furnishing of bonds in the sum of Rs. 100,0000/- with two sureties each like amount to the satisfaction of the SHO PS concerned. The petitioner

*Jaxer*  
28-11-2024  
BAKHT ZADA  
Addl: District & Sessions Judge-1,  
Orakzai at Hangu

ASHOOR GUL VS STATE  
Cri. Misc. App. No. 05/04 of 20.11.2024

shall be bound to produce the vehicle in question before any court of law or investigating officer as and when required. The SHO is directed to place copy of the bonds on record. Copy of this order also be placed on the main case file while record of this court be consigned to record room.

**Announced.**

28.11.2024

*Bakht Zada*  
28-11-2024

**(BAKHT ZADA)**

Addl: Sessions Judge-I, Orakzai at  
Baber Mela