

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

CR. MISC. APPLICATION NO. : 3/4 OF 2025
DATE OF INSTITUTION : 24.01.2025
DATE OF DECISION : 28.01.2025

MUHAMMAD SHAIR KHAN S/O MASTI KHAN
R/O MIROBAK BANDA DISTRICT HANGE.

..... (PETITIONER)

-VERSUS-

STATE THROUGH SHO POLICE STATION DABORI.

..... (RESPONDENT)

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

FIR No. 23
U/S: 9(d)CNSA

Dated: 30.12.2024
Police Station: Dabori

ORDER:
28.01.2025

Sr. PP Abdul Qasim for the State present. Petitioner Muhammad Shair Kha along with his counsel Mr. Sana Ullah Khan Advocate present. Arguments heard and record gone through.

(2). The petitioner Muhammad Shair Khan s/o Masti Khan r/o Miro Bak Banda District Hangu is seeking Supardari of motorcar bearing Registration no. 7167/Khyber, Engine no. 2004901, Chassis no. CE 106-0010591, modal 1991, which is in the custody of local police of PS Dabori in case FIR no. 23 dated 30.12.2024, registered u/s 9(d)CNSA.

(3). Summarized facts of the case, according to FIR are that complainant Muhammad Ishaq Khan SHO along with other police officials stopped the motorcar in question coming from Khyber side and during checking two packets of Chars from a white plastic


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bag wrapped with yellow scotch tape were recovered. On weighing through digital scale each packet was found to be 900/900 grams and hence the car was taken into possession vide recovery memo dated 30.12.2024.

- (4). Argument heard and available record perused which shows that the present petitioner has filed the instant petition wherein he claimed to be the owner of the car in question which has been purchased by him from one Bakhtan Khan s/o Bakheel Khan at the sale consideration of Rs. 600000/-. He also produced the original Excise registration documents, copy of which is placed on file while original returned to the owner. The statement of accused Zaman Khan, who was driving the vehicle in question at the time of occurrence, recorded, wherein he stated that he is driver with the petitioner Shair Khan and the vehicle in question is ownership of the petitioner. The petitioner stated at the bar that he was not in the knowledge of the alleged activity in the vehicle. Furthermore, if the same is left parked in the PS under the open sky the same will deteriorate and will serve no useful purpose. The petitioner is not nominated in the FIR.

- (5) There is no secret cavity in the vehicle in question and the knowledge about the presence of the narcotics is yet to be determined. There is no rival claimant.

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- (6) In these circumstances stated above, the petitioner is deemed entitled to the temporary custody of the motorcar in question on Superdari.

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- (7) Resultantly, the instant petition is allowed and it is hereby directed that the above-mentioned car in question be handed over

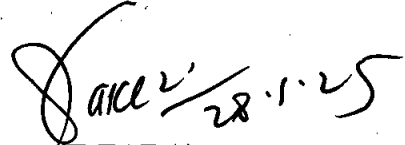
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to be petitioner, Muhammad Shair Khan subject to furnishing of bond in the sum of Rs. 800000/- with two sureties each in like amount to the satisfaction of SHO PS concerned.

- (8). The petitioner will bound to produce the vehicle in question before any court of law or investigating officer as and when required.
- (9) Copy of the application be placed on the original case file while file of this court be consigned to record room.

Announced.

28.01.2025



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Baber Mela