

PESHAWAR HIGH COURT, PESHAWAR

ORDER

Dated Peshawar the 11th November, 2023

In pursuance of the order dated 03.11.2023, passed by this Court in Cr. Misc. BA No.4050-P/2023 (**copy enclosed**), all the officers and members of the Ministerial Establishment of this Court and its Benches, District Judiciary and Special Courts/Tribunals and their Ministerial Staff shall immediately stop using unauthorised number plates of any department/judicial profession on their official as well as private vehicles otherwise stern disciplinary action shall be initiated against the delinquent.


(HIDAYATULLAH KHAN)
ADDITIONAL REGISTRAR
(Administration)

Endst: No. 10367-77 / Admn:

Dated Pesh the 22 / 11 / 2023

Copy forwarded to: -

1. All the Principal Officers in Peshawar High Court, Peshawar.
2. All the Directors in SDJ, Peshawar High Court, Peshawar.
3. All the Additional Registrars of the Peshawar High Court Benches.
4. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa for circulation amongst all the Courts within the district.
5. All the Ex-Cadre Judicial officers in the Khyber Pakhtunkhwa.
6. The PS (Admn) to HCJ, Peshawar High Court, Peshawar.
7. The SCS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
8. All the Court/Private Secretaries of this Court for placing the same before the Hon'ble Judges for their kind information.
9. All the Assistant Registrars/Readers/Head of Branches in Peshawar High Court, Peshawar.
10. PS to Registrar, Peshawar High Court, Peshawar.
11. Website/Notice Board.


(HIDAYATULLAH KHAN)
ADDITIONAL REGISTRAR
(Administration)

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IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department]

Cr.Misc.BA No.4050-P/2023

Sikandar Azam s/o Sher Zaman,
r/o Babina Mardan.

Petitioner (s)

VERSUS

The State

Respondent (s)

For Petitioner (s) :-
For State :-

Mr. Haisam Rauf, Advocate.
Barrister Syed Muhammad Shah
AAG.

Date of hearing:

03.11.2023

ORDER

ISHTIAO IBRAHIM, J.- Petitioner Sikandar Azam, seeks post arrest bail in case FIR No.731 dated 05.09.2023, registered under section 11 (c) KP Control of Narcotic Substances Act, 2019, at Police Station Choorra Mardan.

2. According to FIR, on receipt of spy information through Intelligence source about smuggling of narcotics in a VIGO double seater vehicle having number plate with the name "Member Peshawar High Court Bar Council" APL. 2023-KPK", from Malakand towards Swabi, on 05.09.2023 Wajid Ali SHO Police Station Choorra Mardan along with other police officials conducted *Nakabandi* on ring road near *Shagai Pull* and at 1300 hours intercepted the said vehicle. On query, its driver

disclosed his name as Khanpur and his companion sitting beside him in front seat as Sikandar Azam (the petitioner). On search of the driver, the seizing officer recovered 400 grams ICE, one mobile I-Phone Rs.22700/- in cash, two driving licenses, two CNICs from his personal possession while from possession of the petitioner he recovered 410 grams ICE from side pocket of his shirt, one mobile, a purse containing Rs.9200/- in cash, ATM cards, CNIC. Similarly, on search of the vehicle he recovered a polythene bag from beneath the driver's seat containing ICE weighing 2200 grams. He separated one gram from each quantity of the ICE as samples for chemical analysis by the FSL and sealed the same into parcels. The petitioner along with driver co-accused was arrested, hence, this case.

3. Having heard the arguments of learned counsel for the parties, record depicts that petitioner has been shown arrested red handed at the spot while travelling with driver co-accused in a vehicle having fake number plate with the name of "**Member Peshawar High Court Bar Council**" and from his direct possession 410 grams ICE has been shown recovered. The recovered quantity of the ICE has been taken into possession by the Seizing Officer through recovery memo in presence of its marginal witnesses,

who in their statements under section 161 Cr.P.C. fully support version of the Seizing Officer. Nothing in black & white is available on file to show any ill will or enmity of the police with the petitioner so as to suggest his false implication. Positive FSL report qua the samples further supplements the prosecution's case. Tentative assessment of the material on record prima facie connects the petitioner with the commission of offence, hence, I am not inclined to exercise the discretion of bail in favour of the petitioner.

4. Resultantly, this petition stands dismissed.

5. Before parting with the order it is pertinent to mention here that none of the accused in this case was the member of any Bar Association or Bar Council. The accused under the garb of fake number plate of legal profession, were trying to transport the narcotics but were apprehended by the Police. This court has also observed with great concern in so many other cases that the narcotics smugglers/criminals affix fake number plates on the vehicles to be used in trafficking narcotics and other crimes, by using the name of various Departments such as Health Department, Judiciary, Lawyers, Police and Excise Departments etc with an aim and object to save their skin from the law enforcing agencies during

search/arrest, therefore, it is right time to curb this illegal practice with iron hand as it tends to tarnish the dignity of the concerned department. In this view of the matter, it is directed that all those persons having affixed number plates of any department/profession on their private vehicles, irrespective of the fact whether he is or is not the employee of such department or Member of any such community or profession, be strictly proceeded under the relevant laws and henceforth removed such number plates from such vehicles. Needless to mention that each and every vehicle whether official or private, shall only bear the number plate issued/allotted to it by the Government. No number plate showing the profession and community of the owner of the vehicle shall be allowed to be affixed on any private vehicle.

6. The Additional Registrar (Judicial) of this court is directed to send copy of this order to the worthy Chief Secretary, the worthy Inspector General of Police (IGP), the Secretary and the DG Excise & Taxation Department as well as Director General Prosecution Government of Khyber Pakhtunkhwa Peshawar, the Registrar Peshawar High Court, Peshawar and the Secretary KP Bar Council Peshawar, for information and compliance with intimation to this court.

Announced:
03.11.2023
M. Siraj Afridi CS

Senior Puisne Judge

SB of Hon'ble Mr. Justice Iqbal Ibrahim