

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-184 of 2025.

Mst. Qazia Bano v. The State

Applicant : Mst. Qazia Bano through M/s M. Saleem Sathio & Zulqarnain Talpur, Advocates.

Respondent : The State through Mr. Shahriyar Shar, Special Prosecutor ANF.

Date of hearing : 07.04.2025.

Date of Decision : .04.2025.

ORDER

Miran Muhammad Shah, J:- Through instant Bail Application, the applicant/accused namely, Mst. Qazia Bano w/o Ali Muhammad seeks post arrest bail in Crime No.01/2025, registered at Police Station ANF, Hyderabad for the offence U/s 6, 9 (1) 5c CNS Act 1997. Earlier bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-IV, Hyderabad vide order dated 13.02.2025.

2. The facts of the case are mentioned in the Bail Application and the copy of F.I.R. is also attached with the Bail Application, hence, needs not to reproduce the same here.

3. The learned counsels for the applicant/accused argued that the applicant/accused is innocent and has not committed an offence as alleged in the FIR, the allegations are false, fabricated & concocted; that there are no reasonable grounds to believe that the applicant/accused is guilty. Further argued that the police has implicated the applicant/accused just to show their performance before higher authorities, however, the applicant/accused is not involved in such offence; that the alleged recovery was affected from another women, who was sitting beside the applicant/accused and that women was released by agency after getting illegal gratification from her, however, the applicant/accused refused to give such illegal gratification, therefore, she was booked in this case falsely; that the place of alleged incident is thickly populated area, but the agency failed to associate any private person which is clear violation of law. Lastly, prayed that the applicant/accused may be admitted to bail as the case of applicant/accused is one of further inquiry.

4. On the other hand, learned Special Prosecutor for ANF argued at length and vehemently opposed the bail application of applicant/accused and argued that the applicant/accused was arrested red handed and now it is trend to transport the Narcotics

through ladies; that the applicant/accused is involved in offence, therefore, she is not entitled for the bail and her bail plea may be dismissed.

5. Heard & perused.

6. A tentative assessment of record reflects that on 09.01.2025 at about 1800 hours, the present applicant/accused was arrested by the ANF police on spy information that the wife of Ali Muhammad (a Narcotic dealer) namely Mst. Qazia Bano is transporting Opium (آفیم) from Sukkur to Karachi. During personal search a shopper was recovered from her possession containing 2.5 kg Opium. A large quantity of 2.5 kg Opium has been recovered from the possession of applicant/accused, which is very difficult to be foisted upon anyone. It is also admitted fact that the applicant/accused was arrested red handed and recovery of illegal contraband was effected from her possession, which prim facie suggest that there appears to be reasonable grounds to believe that the applicant/accused has committed an offence punishable U/s 6, 9 (1) 5c CNS Act 1997, which provides heavy punishment. I am conscious of the proviso of clause (1) of the section 497 Cr.P.C, which extends concession of bail to a woman accused, indulged in an offence punishable with death or imprisonment for life or imprisonment for ten years, but I am also mindful of the fact that nowadays women folk are involved as carriers for transportation of narcotics, as such, the offence alleged being of an organized crime cannot be equated with ordinary crimes. Record also reflects that the applicant/accused is resident of Karachi which is not a small city and there is an apprehension that she will abscond and would not turn up to face the trial, as such, it can be believed that the applicant/accused is not entitled for the concession of bail. Now a days women are also getting involved in the paddling and transportation of lethal drugs such as charas and they are not to be given any lenient consideration at the bail stage. From the facts of the FIR it does transpire that the applicant/accused was having her way Karachi, which is now becoming a hub of drug usage and transpiration is being done from the upper parts of the province to the cosmopolitan city of Karachi. This being the case where narcotics peddlers not to be given any lenient consideration regardless of the gender, therefore, case of present applicant/accused for bail is **not** made out, hence it is **declined**. I place my reliance on 2022 SCMR 1950 and 2024 P.Cr.L.J 937 in support of my conclusion.

7. However, since the trial has commenced and in Narcotics cases hardly total three material witnesses are required to be examined, therefore, the trial court is directed to conclude the trial within three months.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Ali.