Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Criminal Misc. No. 730-B/2025

Zahida

Versus

The State

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22.04.2025	Mr. Zeeshan Gohar, Advocate for the petitioner. Rana Zulfiqar Ali, Special Public Prosecutor, ANF. Mr. Shamim Raza, S.I, ANF.

MUHAMMAD ASIF, J. Through this Criminal Miscellaneous, the petitioner namely *Zahida* seeks post arrest bail in case FIR No. 112/2024 dated 06.06.2024 offence under Section 6, 9 (1) 3 (e)/15 of Control of Narcotics Substance Act, 1997 (**"CNSA"**) registered with the police station ANF, Islamabad.

2. According to the allegations, set-forth in the F.I.R, on 06.06.2024, at about 08:00 am, the ANF officials, based on spy information, apprehended the petitioner from the area of Sector G-15, Islamabad and "Charas" **weighing 1200/1200 grams** from each packet and total weighing **18 Kilo grams** was recovered from her possession.

3. Learned counsel for the petitioner argued that the petitioner is innocent and has no concern with the alleged offence; that nothing has been recovered from her possession and the recovery is planted one; that the petitioner is behind the bars since her arrest and further incarceration of the petitioner would serve no useful purpose to the prosecution, hence, she is entitled to the concession of post-arrest bail.

4. Conversely, learned State counsel repelled the above submission and argued that the petitioner was arrested on the spot with huge quantity of narcotics substance, therefore, she is not entitled to the concession of bail.

5. Arguments heard, record perused.

6. It is well-settled that every criminal case is required to be seen in the light of its own peculiar facts and circumstances and while making decision on bail application, only tentative assessment of the material collected during the course of the investigation, is permissible and deeper appreciation is not warranted under the law.

7. A bare perusal of the record reveals that a huge quantity of narcotics "Charas" weighing 1800 kg was recovered from her possession, sufficient incriminating material in the shape of a complaint, recovery memo, statements of prosecution witnesses and video evidence is available on record which, *prima facie*, connects the petitioner with the commission of the alleged offence, which provides sentence of imprisonment which may extend to fourteen years but shall not be less than ten years alongwith fine, which may be up to five hundred thousand rupees, but not less than one hundred and twenty-five thousand rupees, thus, falls within the ambit of prohibitory clause of Section 497 Cr.P.C.

8. The offences of narcotics are increasing day by day and if these offences are not checked and controlled, and there will be no end. It cannot be conveniently overlooked that the use of *Charas* is considerably increasing and fast extending its adverse effects towards youth of the country, which is hazardous to the society at large. The case of the petitioner, thus, comes within the scope of the exception of likelihood of repeating the offence. The offence is heinous in nature as it contributes to the menace of drugs having grave repercussions on the society. Reliance is placed upon case of "*Muhammad Aslam v.*

The State", (**2023 SCMR 2056**) and "*Mst. Fursan v. The State",* (**2022 SCMR 1950**).

9. Of all the illicit products trafficked by organized crime, drug trafficking is the most (in) famous, and it has received systematic attention over the last decades. Initially, all research portrayed the drug trade as men's work; however, in the 1990s, researchers studied an apparent increase in women in drug selling. Whereas previous research emphasized women's powerlessness and vulnerability, an emergent discourse emphasized opportunity and emancipation. The United Nations Office on Drugs and Crime reported that women represent around 20% of those involved in drug seizures worldwide (UNCND 2011). Women's motivations for drug selling are more nuanced. Although fulfilling the caregiving duties embedded in traditional notions of femininity may serve as motivation, women's drug selling is also a response to autonomous decisions rooted in a desire for status, power, and a means to support one's drug use. Researchers increasingly appreciate that selling drugs may also be a purposeful choice for women, albeit in constrained circumstances. *(Jennifer Fleetwood & Lindsay Leban (2023) Women's Involvement in the Drug Trade: Revisiting the Emancipation Thesis in Global Perspective, DeviantBehavior, 44:2, 238-258. DOI:10.1080/01639625.2022.2033607)*

10. It is also a fact that drug traffickers are increasingly using women and children to transport narcotics as women are generally not checked due to overall respect given to women in our societies. If any leniency is shown to a woman, especially in a case where she is apprehended red-handed in possession of narcotics, it will only encourage drug barons to exploit their vulnerability and poverty even more. A clear message has to be sent to the kingpins in the drug trade that they will derive no benefit by using women and children to accomplish their notorious designs.

11. It would not at all be out of place to mention that the Supreme Court of Pakistan in **Surraya Bibi vs The State (2008 SCMR 825)** observed that:

> *"We may point out here that in the cases pertaining to the offence of narcotics, it has been seen that the drug peddlers, to achieve their nefarious objects, have adopted obnoxious device by engaging womenfolk and the children and through them, crimes is being committed, and ultimately mercy is sought against such accused on humanitarian grounds, etc. Therefore, to curb such menace, Courts are required to award adequate punishment instead of showing sympathy on the ground that accused is woman or a child, otherwise, the actual accused involved in such heinous crime, which is against the society, would be encouraged and carriers would also be freely available to promote the crime with the hope that after spending small period in the prison, they would be set at liberty despite of committing heinous crime of drug trafficking.*

12. In view of above tentative assessment, the petitioner has failed to make out the case for grant of post arrest bail at this stage. Consequently, the instant post-arrest bail petition is **dismissed** with direction to the learned trial Court to conclude the trial within a period of two months positively.

13. The observations made hereinabove are tentative in nature and shall have no impact upon merits of the case.

(MUHAMMAD ASIF)
JUDGE

//*Kamran*//