

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 2356 of 2021**

Applicant : Rizwana Munawar w/o Syed Atif Raza,  
Through Mr. Raja Babar Hamid, Advocate

Respondent : The State, through Ms. Abida Parveen  
Channar, Special Prosecutor A.N.F.  
alongwith S.I. Muhammad Saleem.

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Date of hearing : 14.03.2022  
Date of order : 14.03.2022

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Criminal Bail Application, applicant/accused Rizwana Munawar w/o Syed Atif Raza seeks post-arrest bail in Crime No. 26 of 2021, registered at P.S. A.N.F., Muhammad Ali Society-Korangi, Karachi under sections 6/9(c), 14 & 15 of the Control of Narcotic Substances Act, 1997 (*the "Act"*). Her earlier application for the same relief in Special Case No. 83 of 2021 was dismissed by the learned Special Court No. 1 (Control of Narcotic Substances), Karachi, vide order dated 16.11.2021.

2. It is alleged that, on 17.09.2021 at 0040 hours, S.I. Muhammad Saleem of ANF, Karachi arrested the applicant from Room No. 105 of Luxury Inn Hotel, situated in Nursery, near Shahra-e-Faisal, Karachi for delivering, aiding, inciting and inducing Asim Rasheed/the principal offender for transportation of 1020 grams heroin from Pakistan to Maldives, for that she was booked in aforesaid F.I.R.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case by the A.N.F. with mala fide intention and ulterior motives; that no contraband article was recovered from applicant's possession or on her pointation; that the applicant was arrested from hotel and due to non-payment of illegal gratification she was involved in this case; that no evidence is available with the prosecution regarding transmission of

the alleged bag/briefcase containing heroin; that the applicant has been arrested in the alleged crime/offence on the basis of confessional statement of principal offender made by him in custody of A.N.F., which is inadmissible under Article 38 of the Qanun-e-Shahadat Order, 1984; that prosecution has no evidence regarding purchasing of airline's ticket by the applicant for principal offender from Waqar-e-Madina Travellers & Tours; hence, the guilt of the applicant requires further enquiry as envisaged under section 497(2), Cr.P.C.; entitling the applicant for the concession of bail. In support of his contentions, learned counsel has relied upon the case of *Mst. Bushra alias Fakhra v. The State* (2008 YLR 2074), *Raja Muhammad Younus v. The State* (2013 SCMR 669), *Shazia v. The State* (2018 P. Cr. L J. 990) and *Dad Khan v. The State* (2020 SCMR 2062)

4. On the other hand, learned Special Prosecutor A.N.F. opposes the grant of bail to applicant on the ground that the applicant is involved in a heinous offence, which carries capital punishment and sufficient evidence is available with the prosecution to connect her with the commission of alleged offence.

5. I have heard learned counsel for the parties and perused the material available on record with their assistance.

6. It appears from the perusal of the record that, on 16.09.2021 at 0225 hours, S.I. Muhammad Saleem of ANF, Karachi on a tip-off reached International Departure Lounge of Jinnah International Airport, Karachi alongwith his subordinate staff and arrested principal offender Asim Rasheed on being recovered 1020 grams of heroin from his briefcase, who was intending to proceed Maldives by Flight No. QR-605 of Qatar Airways. During course of interrogation, the said arrested accused disclosed that he worked for present applicant, who arranged his trip of Maldives and handed over him briefcase at airport, wherein the recovered heroin was concealed. He further disclosed that earlier, applicant arranged for him visa of Thailand thrice and he transported heroin. Thereafter,

ANF raided at the Luxury Inn Hotel and arrested the applicant and her facilitator, namely, Mehroz Shahzad. It further appears that the applicant got the airline's ticket of the principal offender booked for Male City, Maldives through a travelling agency, namely, Waqar-e-Madina Travel & Tours, Lahore and made payment online through Account No. 0102405487501 of Bank Al-Baraka and such receipt was received on her husband's name. The principal offender is not related to the applicant. It is beyond comprehension that the applicant would have arranged airline's ticket of Maldives for travelling of principal offender without any consideration and interest. Even learned counsel for the applicant failed to justify the presence of the applicant, who is resident of Lahore, in a hotel of Karachi on the relevant day and time. The offence allegedly committed by the applicant i.e. delivering, aiding, inciting and inducing the principal offender for transportation of 1020 grams of heroin from Pakistan to Maldives brings the case of the applicant within the scope of prohibition, contemplated by Section 51 of the Act.

7. Applicant's claim with regard to her false implication is an issue that cannot be attended without going beyond the scope of tentative assessment, an attempt prohibited by law. The applicant has not been implicated with the commission of alleged offence merely on the basis of sole confession of principal offender during his custody but on the basis of documentary evidence. Prima facie, sufficient material is available with the prosecution to connect the applicant with the commission of alleged offence. Trafficking/smuggling of heroin in huge quantity can have devastating effects on the society generally and it is a threat to honour of the country in international community particularly. No case for granting bail to applicant on the ground of alleged further inquiry has been made out. The case-law cited by the learned counsel for the applicant being on different footings does not advance the case of the applicant for grant of bail; hence, instant bail application is dismissed, accordingly.

9. Needless to mention here that the observations made hereinabove are tentative in nature and the same shall not influence the trial Court while deciding the case of applicant on merit.

JUDGE

*Athar Zai*