

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.361 of 2026

Applicant : Zohaib Azam son of Muhammad Azam through  
M/s. Mushtaq Ahmed Jehangiri & Imtiaz Hussain  
Talpur, Advocates

Respondents : The State through Mr. Dur Muhammad Shah,  
Deputy Attorney General a/w Inspector Arsalan  
Qazi, FIA, AHTC, Karachi.

Date of Hearing : 19.02.2026

Date of Order : 19.02.2026

### **ORDER**

**TASNEEM SULTANA, J.**— Through this Bail Application, the applicant Zohaib Azam seeks post-arrest bail in FIR No.10 of 2026 registered under Sections 3, 4, 6 & 7 of the Prevention of Smuggling of Migrants Act, 2018 (Amended 2025) at Police Station FIA, AHT Circle, Karachi. Earlier, his post-arrest bail application in Case No.07 of 2026 has been declined by the learned Special Judge (Central-II), Karachi vide order dated 28.01.2026, hence this application for the same concession.

2. Brief facts of the prosecution case are that on 08.01.2026, three passengers, namely Shehbaz, Emran Hussain and Zahid Hussain, were proceeding to the Kingdom of Saudi Arabia from Jinnah International Airport, Karachi on Umrah visas. During immigration clearance, their conduct appeared suspicious and they were referred for scrutiny of their travel documents. Upon enquiry, it allegedly transpired that they intended to seek employment abroad under the garb of Umrah visas and had paid Rs.450,000/- to Zahid Hussain for arranging their travel and employment abroad. It is further alleged that the said passengers approached Zohaib Azam, Passenger Service Agent of Flynas, and requested his assistance in securing immigration clearance on the pretext of a bribe; however, he declined. He disclosed that, while on duty, he contacted an official of FIA in this regard, but the request was declined, whereafter he informed the passengers accordingly. Thereafter, the matter was referred to FIA AHT Circle, Karachi, whereupon the present FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the allegation attributed to the applicant is limited to the aforesaid interaction at the airport; that there is no allegation suggesting that the applicant demanded or received money from the

passengers or arranged their travel documents, therefore, the case of the applicant at the most calls for further inquiry within the meaning of section 497(2) Cr.P.C.

4. Conversely, learned Deputy Attorney General assisted by the Investigating Officer opposed the grant of bail and submitted that the applicant is connected with the commission of the alleged offence.

5. Heard. Record perused.

6. Perusal of the record reflects that on 08.01.2026, passengers namely Shehbaz, Emran Hussain and Zahid Hussain, who were proceeding to the Kingdom of Saudi Arabia on Umrah visas, approached and requested the applicant, who at the relevant time was serving as a Passenger Service Agent of Flynas Airlines at Jinnah International Airport, Karachi, to assist them in securing immigration clearance. It is further alleged that the applicant contacted an official of FIA for facilitating the immigration clearance of the said passengers; however, the request was declined, whereafter the applicant duly informed the passengers of such refusal.

7. It further appears from the record that no specific role has been attributed to the applicant in demanding or receiving any amount, arranging travel documents, or facilitating the alleged travel abroad. The case of the prosecution against the applicant essentially rests upon statements recorded during enquiry and the attendant circumstances relied upon by the investigating agency, the evidentiary value and legal effect whereof require proper appreciation of evidence and examination of witnesses at trial, which exercise cannot be conclusively undertaken at the bail stage.

8. In the circumstances of the case, the material on record does not clearly establish the applicant's role in the alleged occurrence. The determination of his actual role, if any, would require proper appreciation of evidence and examination of witnesses before the learned trial Court, which exercise cannot be undertaken at this stage. Consequently, the case appears to fall within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

9. Consequently, the applicant Zohaib Azam was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

These are the reasons for my short order dated 19.02.2026.

**JUDGE**