

Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
PESHAWAR

*JUDICIAL DEPARTMENT*

**Cr.M/BA.No.953-P/2016.**

JUDGMENT

Date of hearing.....13/05/2016.....

Petitioner (Mst. Shah Sanam) By Mr. Farhat Ullah Khan, Advocate.

State by Arshad Ahmad Khan, AAG

**QAISER RASHID KHAN, J:-** The accused-petitioner , Mst. Shah Sanam, seeks bail in case FIR No. 159 dated 08.03.2016, registered under section 9 ( c ), Control of Narcotic Substances Act, 1997, Police Station Risalpur, Nowshera after being declined the said relief by the learned court below.

2. The allegations against the accused/petitioner are that 4090 grams charas were recovered from her personal possession, hence the FIR ibid.

Arguments heard and available record perused.

3. As is evident from the FIR, it was on a tip off regarding the smuggling of contraband charas through Alto Motor Car bearing registration No. LRG-9792, when a nakabandi was laid by the police and on the arrival of the motor car at the spot, the same was stopped. The driver disclosed his name as Anwar Khan, the person occupying the rear seat as Muhammad Saleem while the lady occupying the rear seat identified herself as Mst. Shah Sanam. The body search of the latter through a lady constable revealed four packets of charas tied down to her body with solution tape, which on weighment came out to be 4090 grams.

4. All that the learned counsel for the petitioner pleaded was that the petitioner is a lady and a widow and she has remained in judicial lock up for the last two months. I am afraid, such arguments carry little weight in view of the recovery of huge quantity of contraband charas from the direct personal possession of the petitioner coupled with the fact that the offence for which the petitioner is charged squarely falls within the restrictive limb of section 497 Cr.P.C. Mere womanhood or widowhood is no good ground to enlarge the accused/petitioner on bail in such like cases and that too, when the smuggling of narcotics through ladies and minors has, of late, become a common phenomenon. Being prima facie linked with the commission of the offence, I hold the accused/petitioner disentitled to bail. The petition being bereft of any merits, stands dismissed accordingly.

5. Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial court where the case be decided strictly on its own merits after recording evidence.

*Announced.*  
*Dt.13.05.2016*

**J U D G E**

*(Younas)*