

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**(Through Virtual Mode)
From Srinagar Wing**

**BAIL APP 195/2025
CrIM (1227/2025)**

NIKET KANSAL

...Petitioner/Appellant(s)

Through: Mr. Asheesh Singh Kotwal, Advocate

Vs.

**UNION OF INDIA TH NARCOTICS
CONTROL BUREAU (NCB) JAMMU**

...Respondent(s)

Through: Mr. Vishal Sharma, DSGI

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

**ORDER
09.12.2025**

1. Petitioner in terms of order dated 18-07-2025 came to be granted interim anticipatory bail in Crime Case No. 7/2022 dated 24-02-2022 under Sections 8/22, 60 NDPS Act on furnishing surety to the satisfaction of the IO and subsequently response has been filed. In terms thereof, it is stated that respondent-NCB had effected seizure of 360 nos. of codeine based (Cocrex Cough Syrup) and 4320 nos. of Spasmo-Proxyvon plus capsules for which NCB Crime No. 7/2022 came to be registered and recovery was effected from co-accused Mukhtar Ahmad Punchoo, who claim to have been supplied the drugs by another accused Rohit Kumar Mishra and one Mukhtar Ahmad Rather and from him the consignment came to the possession of Mukhtar Ahmad Punchoo. It further transpired that the drugs were illegally manufactured by M/s Saar Enterprises, whose license had already been cancelled by the Drug Department and it was the conspiracy of one Mamta Kansal, Rajeev Kansal and the present

petitioner that they would supply the codeine based illegally manufactured drugs to the co-accused for unauthorized sale. It is alleged that the petitioner is the son of the proprietor of Kansal Pharmaceuticals, who was indulging in illegal sale for which the NCB has arrested him in Crime Case No. 23/2022 on 04-08-2025.

2. It is submitted by counsel for respondent that the petitioner is involved in illegal trafficking of narcotic drugs that too of a commercial nature thus, the petitioner does not deserve concession of bail. Ld. counsel for the petitioner submits that the case against him have been falsely laid having originated in the year 2022, whereas the NCB has misused the process of law and indulged in victimization of the petitioner and his whole family.
3. During the course of arguments, it was fairly conceded that the petitioner has been arrested in the subsequent offence. It is not in the case of the respondent that the petitioner has committed an offence during the currency of interim pre-arrest bail rather it was pointed out by the counsel for the petitioner that after the petitioner was granted interim protection and, as directed, while he was to join the investigation, the NCB instead of admitting bail bonds arrested him in NCB Crime Case No. 23/2022.
4. In that background Crime Case No. 23/2022 has not occurred during the currency of the bail thus it cannot be argued by the respondent that petitioner has violated the conditions of bail. Be that as it is, the petitioner now has been arrested in another matter whereas the occurrence is of year 2022 and the petitioner is only stated to be close relative of the co-accused though it is alleged that he actively participated in the running of affairs of Kansal Pharmaceuticals, it is not denied that recoveries have been effected in the year 2022 and subsequently the matter was being further investigated to trace out the origination of the seized consignment and on the basis of leads disclosed by the co-accused, the manufacturer has been roped in. Though the accusations are grave in nature and here when the petitioner on the strength of order dated 18-07-2025 had gone to join

the investigation, it is there the petitioner is stated to have been arrested in another case. It has been pointed out during the course of hearing that with regard to the arrest of the petitioner in Crime Case No. 23/2022, a separate petition has already been filed questioning the arrest of the petitioner. So, without commenting upon the merits of arrest of the petitioner in subsequent case, the order of anticipatory bail granted to the petitioner in Crime Case No. 7/2022 under Section 8/22, 60 NDPS Act is made absolute on the conditions laid therein and once the complaint is laid against the petitioner, he shall remain present with the trial as the case may be.

5. Petition in the like manner is *disposed of*.

(SANJAY PARIHAR)
JUDGE

SRINAGAR:

09.12.2025

Akfil Dev

Whether the order is speaking/reportable? No