

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Pronounced on: 11.04.2025

Bail App No. 18/2025.

Nazakat Lone

...Petitioner(s)

Through: Mr. Sheikh Manzoor, Advocate

Vs.

UT through Police Station Keeran and Anr

...Respondent(s)

Through: Mr. Allaudin Ganai, AAG with
Ms. Shaila Shameem, Assisting Counsel.

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
11.04.2025

1. Through the medium of the instant application filed on behalf of the petitioner/accused, in terms of the provisions of Section 483 BNSS, bail in his favour in case FIR No. 06/2022 dated 17.05.2022 of PS Keeran Kupwara has been sought on the grounds, *inter-alia*, that he has been falsely and frivolously implicated in the case FIR who is innocent and has not committed the alleged offence; that the investigation in the case FIR stands already concluded with the presentation of the final police report under Section 193 BNSS before the competent Court which is pending disposal; that the evidence of material witnesses as attributed to the petitioner have not incriminated him at all at the trial of the case; that the charge framed by the Trial Court against the petitioner is grossly illegal; that the case to the extent of the petitioner escapes the embargo under Section 37 of the NDPS Act; that the petitioner had already approached the learned Trial Court with the prayer for grant of bail, which was

rejected vide order dated 02.01.2025; that the petitioner is deeply rooted in the society and there is no apprehension of his misusing the concession of bail by absconding at the trial and that the petitioner shall abide by any of the conditions that may be laid down by this Court.

2. It is needful to mention that the petitioner alongside this bail petition has also filed a petition under Section 528 of the BNSS for quashment of the FIR and consequent criminal proceedings which matter has been already heard and is reserved for judgment. The respondents have filed common written submissions in respect of the said petition and the instant bail application which have been perused.

3. I have already heard the learned counsel for the petitioner/accused as well as the learned AAG for the respondents and considered their rival submissions.

4. I have perused the record of the instant bail petition especially the verified copies of the statements of witnesses recorded at the trial. The scanned copy of the entire Trial Court record has also been perused.

5. Keeping in view the aforementioned perusal and consideration in the light of law on this subject, this Court without touching the merits of the case is of the considered opinion that *a prima-facie* ground appears to be made out for grant of bail in favour of the petitioner/accused in case FIR No. 06/2022 dated 17.05.2022 of PS Keeran Kupwara.

6. The case of the petitioner does not seem to be hit by the disabling provisions of Section 37 of the NDPS Act. The apprehensions of the

prosecution, if any, can be made by imposing reasonable bail conditions.

7. In the backdrop, the application is allowed and the petitioner/accused is admitted to bail in case FIR No. 06/2022 dated 17.05.2022 under Section R/21, 29 NDPS Act of PS Keeran Kupwara subject to his furnishing surety and personal bonds to the tune of Rs. 50,000/- to the satisfaction of the learned Registrar Judicial of this Court and the Superintendent of the jail concerned respectively. The order shall, however, be subject to following conditions:

- I. The petitioner shall remain punctual at the trial of the case.
- II. The petitioner shall not repeat the commission of any crime and shall not also cause any threat, inducement or undue pressure on unexamined prosecution witnesses so as to dissuade them from disclosing the facts of the prosecution case before the Court.

8. The observations made in this order have been so made for the limited purpose of the disposal of this bail petition and nothing herein shall be construed as any interference into the merits of the case.

9. In case the requisite bail bond is furnished to the satisfaction of the learned Registrar Judicial of this Court, he shall issue a formal release order directing Superintendent Jail Kupwara to release the petitioner/accused from his custody in case FIR No. 06/2022 dated 17.05.2022 in which he is lodged as under-trial of the case after obtaining the requisite personal bond from him.

10. **Disposed of.**

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
11.04.2025
"Shahid-SS"