

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)**

Bail App No.30/2025

Reserved on: **20.08.2025**

Pronounced on: **04.12.2025**

Uploaded on: **04.12.2025**

Whether the operative part or full
judgment is pronounced: Yes/No

**Reyaz Ahmad Dar, age
40 years
s/o Mohammad Ramzan Dar
R/o Hussanpora Taveela
Bijbehara, through his
Brother namely Mansoor
Ahmad Dar, Age 45 years S/o
Mohammad Ramzan Dar R/o
Hussanpora Taveela
Bijbehara.**

.....Petitioner(s)

Through: Mrs. Asifa Padroo, Advocate

Vs

- 1. Union Territory of Jammu &
Kashmir through Station House
Officer, Police Station, Bijbehara.**
- 2. Superintendent District Jail,
Anantnag.**

..... Respondent(s)

Through: Mr. Illyas Nazir Laway, GA

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

JUDGMENT

- Through the medium of the instant successive bail petition filed in terms of the provisions of Section 439 of the Code of Criminal Procedure 1973 (already repealed but applicable in the case in hand and hereinafter referred to as the 'Code' for short), bail in favour of the petitioner/accused in case FIR No.40/2024 of Police Station, Bijbehara under Section 8/21 Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS' for

short) has been sought on the grounds that petitioner is a domicile of UT of Jammu & Kashmir and a citizen of India thus entitled to seek protection of his constitutional as well as other legal rights. That he has been falsely and frivolously implicated in the case FIR in question when he is innocent and did not commit the alleged crime. That he was arrested by the Police Station, Bijbehara on 14.02.2024 and as such has been facing incarceration for about 22 months. That the final charge-sheet already presented in the case is pending trial in the Court of learned Special Judge (Designated Under NDPS Act) Anantnag (hereinafter referred to as the '*trial Court*' for short) in which most of the prosecution witnesses stand already recorded at the trial, who have not supported and corroborated the prosecution version of the case beyond any doubt. That the star ocular witnesses examined at the trial by the prosecution have given highly contradictory statements in respect of material particulars of the case. That the mandatory procedural requirements especially contained under the provisions of Sections 42(2), 50, 52, 57 NDPS Act have been established at the trial to have been observed in breach during investigation of the case. That the continued incarceration of nearly about two years of the petitioner is violative of his constitutional right to life and liberty. That in view of the perusal of the documents in the shape of different memos prepared during investigation of the case and especially the evidence of material witnesses so far examined at the trial, there appear no reasonable grounds of the involvement of the petitioner in the alleged case and as such, the case of the petitioner escapes the embargo placed under the provisions of Section 37 NDPS Act. That the petitioner is the only male member in his family and as such, his family has been

badly suffering on account of his continued incarceration. That the petitioner is deeply rooted in the society and as such, there is no question of his misusing the concession of bail if granted in his favour. That an earlier bail application filed before the learned trial Court on 25.11.2024 was rejected on 05.02.2025 on the main ground that commercial quantity of psychotropic manufactured drug was recovered from the petitioner which fact has been supported by the prosecution witnesses at the trial, thus attracting the embargo in terms of provisions of Section 37 NDPS Act.

2. The respondent/UT has resisted the instant bail petition on the grounds that a commercial quantity of manufactured drug containing Codeine Phosphate- a narcotic drug/psychotropic substance in mixture stands recovered from the possession of the petitioner/accused on 14.02.2024 when he was apprehended by a Naka checking party of Police Post Sangam of Police Station, Bijbehara. That 12 number bottles of the manufactured drug COFMART-T containing Codeine phosphate in mixture (100 ml each bottle) came to be recovered from the possession of the petitioner on the incident day regarding which he could not tender any legal justification. That the investigation in the case was conducted as per the law and procedure and final report/charge-sheet was presented before the competent Court after culmination of the investigation which is still pending disposal. That the entire evidence on record collected during the course of investigation is self-explanatory which suggests in explicit terms involvement of the petitioner in the offence charged against him. That the offence charged against the petitioner is heinous and grave besides being non-bailable disentitling the petitioner to the concession of bail. That the sum total of the

grounds taken in the bail petition does not carve out a case for grant of bail as prayed. That the offences committed by the petitioner/accused are highly against the interests of the society and the State. That the release of the petitioner on bail at this stage is likely to temper with the prosecution evidence yet to be recorded at the trial.

3. I have heard the learned counsel for both the parties.

4. The learned counsel for the petitioner/accused while reiterating her stand taken in the bail petition contended that the innocence of the petitioner and the doubt regarding the genuineness of the prosecution story has surfaced at the trial of the case with the examination of the majority of the prosecution witnesses including the complainant and other ocular witnesses i.e. PWs 1 to 6. She submitted that it is apparent at this advanced stage of the trial when majority of the prosecution witnesses stand examined that the procedural requirements especially under Sections 42, 50 and 57 NDPS Act have been totally observed in breach. That the investigation in the case appears to have been taken very casual which leads to an irresistible inference of false implication of the petitioner.

The learned counsel further contended that the PW-1 SI-Manzoor Ahmad in his capacity as the Incharge Naka Party and the complainant, who as per the prosecution case has issued the docket from the spot through SPO Mohd. Rafiq No.1791/SPO has himself in the said docket which in essence is the First Information Report in the case nominated the Sub-Inspector-Mohd. Qayoom No.349/S to be the investigating officer of the case. She contended that the said fact is borne out from his docket/FIR dated 14.02.2024 at 15:30 PM (EX-PW-1) as well as from the charge-sheet and his own evidence recorded at the trial. The

learned counsel submitted that the nomination of the investigating officer of the case by the PW-1/complainant himself followed by the entrustment of the investigation case of the FIR to the said SI-Mohd. Qayoom No.349/S highly doubts the prosecution story.

She further submitted that the PW-1 the most important prosecution witness has inter alia deposed at the trial during his statement that he does not know as to wrote the docket signed by him from the spot regarding the registration of the case FIR and that he appointed SI-Mohd. Qayoom as investigating officer.

Learned counsel for the petitioner further submitted that the document purported to be the notice issued to the petitioner/accused in terms of Section 50 NDPS Act and placed on the prosecution case (EX-PW-1/A) very astonishingly bears both the question and answer written by the author thereof in the same hand writing. She further submitted that the document/memo purported to have been prepared on spot by the Incharge Naka party viz recovery memo dated 14.02.2024 (EX-PW-1/B) appears the FIR number at the top when in essence there was no FIR registered at that time.

She further submitted that SPO-Mohd. Rafiq No.1791/SPO, who as per the prosecution case is alleged to have taken the docket signed by PW-1 to the Police Station, Bijbehara for registration of FIR has not been listed as a prosecution witness. Learned counsel further submitted that the investigating officer has not associated any independent civilian witness with the occurrence which is alleged to have taken place on the main road during the day time at 15:30 PM.

The learned counsel for the petitioner further submitted that the first bail application of the petitioner moved before the learned trial Court was rejected on the main ground that the petitioner is alleged to have committed the offence under NDPS Act in relation to commercial quantity as 12 number bottles of manufactured drug (100 ml per bottle) containing Codeine Phosphate in mixture have been recovered from him. That the said first application has been rejected also on the ground that Court cannot appreciate the evidence while considering a bail application.

The learned counsel submitted that it is fully clear at this advanced stage of trial that there appear no reasonable grounds of the involvement of the petitioner/accused in the alleged crime. She also submitted that it is very astonishing that the PW-1-an important witness has been examined by the *Moharir Kotee* and not by the public prosecutor. She submitted that the petitioner has been suffering from detention in the case since about two years and his valuable right to liberty stands curtailed. She further submitted that the presumption under NDPS Act contained under the provisions of Sections 35 and 54 is applicable only after the prosecution is able to prove the foundational facts of its case. She further submitted that PW-6/Mohd. Furqan/NT Executive Magistrate, who has been associated with the prosecution case as an ocular witness has stated at the trial during his examination that the drug bottles had already been recovered by the Naka party prior to his reaching on spot.

The learned counsel in support of her contentions placed reliance on authoritative judgments of the Hon'ble Supreme Court of India cited as '*Siddharam Satlingapa Mhetre Vs. State of Maharashtra and Ors.*(2011) 1 SCC

694, '*Kharak Singh Vs. State of U.P. and Ors.*' AIR 1963 SC 1295, '*Maneka Gandhi Vs. Union of India and Anr.*' (1978) 1 SCC 248, '*Kartar Singh Vs. State of Punjab and Ors.*' (1994) 3 SCC 569 and '*Francis Coralie Mullin Vs. Administrator, Union Territory of Delhi and Ors.*' (1981) 1 SCC 608.

5. *Per contra*, the learned UT counsel very vehemently contended that the bail petition filed by the petitioner/accused deserves outright rejection as no justifiable ground appears to be made out in the facts and circumstances of the case for allowing the same. He submitted that the petitioner/accused has committed the offence under NDPS Act in relation to commercial quantity as 12 number of manufactured drug bottles (1200 ml in total) containing Codeine Phosphate a narcotic drug/psychotropic substance in mixture have been recovered from his conscious possession while being apprehended by a Naka party on 14.02.2024.

He contended that the prosecution witnesses so far examined at the trial have fully incriminated the petitioner/accused. He submitted that the seizure of the contraband substance has been witnessed by an executive magistrate and the sampling has been done before a judicial magistrate.

The learned UT counsel further contended that the petitioner/accused is involved in the commission of a heinous anti-social offence which has dragged the youth to menace of drug addiction. He submitted that the drug traffickers need to be dealt with a heavy hand. The learned UT counsel prayed for the rejection of the bail.

6. Before proceeding ahead, it is appropriate to give a brief resume of the facts of the case relevant for disposal of this application.

On 14.02.2024 a docket was received by the Police Station, Bijbehara from PW-1/SI-Manzoor Hussain No.305/RAU076019/EXK through SPO-Mohd. Rafiq No.1791/SPO to the effect that he along with other officials was performing Naka duty at Tulkhan near Sangam and in the process of search of vehicles and pedestrians, they stopped one person who on seeing the police party tried to flee from the spot but came to be apprehended tactfully. That 12 number of manufactured drug bottles each of 100 ml with brand name 'COFMART-T' came to recovered from his possession regarding which he could not tender any justification. On the receipt of the said docket case FIR No. 40 of 2024 came to be registered with the said Police Station and investigation started. During investigation the necessary documents i.e. 'recovery and seizure memo etc.' came to be prepared and the statements of the witnesses recorded. That the investigation was finally concluded in the form of charge-sheet presented before the learned trial Court.

The petitioner/accused upon being charged for the commission of offence under Section 8/21 NDPS Act pleaded not guilty pursuant to which the prosecution was directed to lead evidence in support of its case. The prosecution is reported to have so far examined eight witnesses i.e. PWs 1 to 8 at the trial. The learned trial Court has admittedly rejected the earlier bail application of the petitioner/accused on the main grounds that he is involved in commission of the offence under NDPS Act in relation to commercial quantity and his involvement in the crime stands established by the witnesses so far examined at the trial. The learned trial Court has also rejected the earlier bail application of the petitioner

on the ground that the offence charged against him is very serious and heinous in nature.

7. Keeping in view the perusal of the instant successive bail petition, the objections filed in rebuttal by learned UT counsel, the scanned copy of the trial court record especially the statements of prosecution witnesses examined during investigation and the trial of the case and the consideration of the rival arguments advanced on both the sides, this court without making any comment regarding the merits of the case is of the opinion that it may meet the ends of justice in case the petitioner-accused is admitted to bail in the case FIR in question subject to some reasonable terms and conditions.

8. A criminal court while recording his satisfaction as to whether there appear “reasonable grounds” of involvement of an accused in the commission of an offense attracting the bar in terms of provisions of Section 37 NDPS Act., has to use his discretion in a judicious manner so that no miscarriage of justice happens either by grant of bail or by denial of the same.

The “reasonable grounds” of involvement can be inferred from the facts and circumstances of the case especially, the nature of the evidence. The Court is supposed to consider the broader probabilities to reach its supposition regarding the existence of reasonable grounds of involvement of the accused.

The words “reasonable grounds” cannot be read to mean proved as used in ‘*Bharatiya Sakshya Adhiniyam*’. Such an interpretation would in my opinion set at naught the power vested in a court to grant bail pending trial.

The expression “reasonable grounds” would obviously mean something more than mere suspicion and conjectures and something less than proof. It

would necessarily mean such grounds or material that would prima facie enable a person of ordinary prudence to believe that the accused is or is not guilty.

It is no doubt true that the object of the legislation of such disabling provisions is to prevent the offenders from immediately granting bail in heinous offences. In this view of the matter, the court is required to examine the material placed before it and then to arrive at a conclusion that there exist “reasonable grounds” to believe that accused is guilty or not guilty.

The “reasonable grounds” would vary from case to case and from one accused to another. What may be reasonable in one case may not be so in another and therefore the words “reasonable grounds” cannot, on account of a discretion vested in the court, be put into a straight-jacket. Each case would have to be dealt with and examined on its own facts and decided keeping in view the mandate of law. The consideration at the time of taking up of the bail application for disposal is different from the consideration adopted at the end of the trial for holding an accused guilty or not guilty. In considering an application for bail, court is not required to conduct a preliminary trial. The Courts while deciding bail applications will be traversing beyond their ambit and would be exceeding their limit of functions if they engage themselves in discovering the guilt or innocence of the accused which can only be determined at the trial stage. The courts should not go at a tangent in order to find out the possible excuses for grant bail. Whether there are “reasonable grounds” or not is the question which must be decided judicially, that is to say there should be some tangible evidence on which the Court might come to the conclusion that if unrebutted, the accused might be convicted. Whether there are reasonable grounds for believing that a

person is guilty of such an offence depends on what evidence is offered by the prosecution to the charge against him.

In order to come to the conclusion, that a person is guilty, the Court must consider the evidence which if unrebutted may lead to conclusion that the charge against him stands proved and cannot unjustifiably hold that there are “reasonable grounds” for believing that he is guilty. It is a settled position of law that the real question whether there are reasonable grounds for believing that a person is guilty of offences attracting bar under Section 37 NDPS Act, depends upon what evidence is offered by the prosecution to prove the charge against him. While reaching such conclusion, the Court must consider the nature and character of evidence against him.

9. The learned counsel for the petitioner during her arguments also contended that the investigating officer of the case has observed the mandatory procedural requirements in utter breach which fact also justifies the grant of bail in favour of petitioner. She further contended during her arguments that the seizure and sampling of the alleged contraband has been substantially contradicted at the trial even by the ocular witnesses as all the 12 number of the seized bottles were got opened from the planda during the examination of the witnesses at the trial thereby doubting the actual number of the bottles while reckoning the sample bottle also.

10. Apart from the statutory bar, if any, two paramount considerations viz. likelihood of accused fleeing from justice and tampering with the prosecution evidence relate to the ensuring of a fair trial of the case in a court of law. It is essential that due and proper appreciation and weightage should be bestowed on

these factors apart from others. The grant of bail or the denial of the same falls within the purview of the judicial discretion meant to be exercised on sound legal principles upon the logical interpretation and application of the same in the given facts and circumstances of the case. The necessary arrests subject to the law of bails as provided under the Code, BNSS and the provisions of different special Legislations are permissible under the Constitution of our Country by way of a reasonable exception to the fundamental right to liberty guaranteed under Article 21 of the Constitution and the mandate of the provisions of Article 22 of the Constitution is meant to be followed upon making any such necessary arrests.

11. In **State of Rajasthan Jaipur Vs. Balchand AIR 1977 S.C. 2447**, the Hon'ble Apex Court has held, "basic rule may perhaps be tersely put as bail not jail, except where there are circumstances of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating the witnesses and the like, by the petitioner who seeks enlargement on bail from the court.

No single rule or a golden litmus test is applicable for consideration of a bail application and instead some material principles/guidelines are needed to be kept in mind by the Courts and the Magistrates for consideration of a bail application especially including:

- i. The judicial discretion must be exercised with the utmost care and circumspection;
- ii. That the Court must duly consider the nature and the circumstances of the case;
- iii. Reasonable apprehension of the witnesses being tampered;
- iv. Investigation being hampered or
- v. The judicial process being impeded or subverted.
- vi. The liberty of an individual must be balanced against the larger interests of the society and the State.

- vii. The court must weigh in the judicial scales, pros and cons varying from case to case.
- viii. Grant of bail quo an offence punishable with death or imprisonment for life is an exception and not the rule;
- ix. The court at this stage is not conducting a preliminary trial but only seeking whether there is a case to go for trial;
- x. The nature of the charge is the vital factor, the nature of evidence is also pertinent, the punishment to which the party may be liable also bears upon the matter and the likelihood of the applicant interfering with the witnesses or otherwise polluting the course or justice, has also a bearing on the matter.
- xi. The facts and circumstances of the case play a predominant role.

12. The Hon'ble Apex Court in **Gur Bakash Singh Sibbia Vs. State of Punjab AIR 1980 S.C. 1632**, referred to the following extract from the American Jurisprudence having bearing on the subject of bail,

“where the grant of bail lies within discretion of the court, granting or denial is regulated to a large extent, by the facts and circumstances of each particular case. Since the object of detention order/imprisonment of the accused is to secure his appearance and submission to jurisdiction and the judgment of the court, the preliminary enquiry is whether a recognizance or bond would yield that end. It is thus clear that the question whether to grant bail or not, depends for its answer upon a Variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity for justifying the grant or refusal of bail”.

13. It has been laid down by the Hon'ble Supreme Court in **Sanjay Chandra vs. Central Bureau of Investigation AIR 2012 SC 830** at Para 14 of its Judgment as under:-

14) *“In bail applications, generally, it has been laid down from the earliest times that the **object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail.** The object of bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that **punishment beings after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.** From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. **From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, necessity is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson.**”*

14. This Court in its opinion is fully fortified with the authoritative law laid down by the Hon’ble Apex Court cited as **Sanjay Chandra Vs. Central Bureau of Investigation, (2012) 1 SCC 40** in which the bail was granted to the

appellant who was involved in economic offences. It is profitable to reproduce the relevant paras 24 and 25 of the judgment for ready reference:-

“24. In the instant case, as we have already noticed that the “pointing finger of accusation” against the appellants is “the seriousness of the charge”. The offences alleged are economic offences which have resulted in loss to the State exchequer. Though, they contend that there is possibility of the appellants tampering with the witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor: the other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Indian Penal Code and Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the constitutional rights but rather “recalibrating of the scales of justice.”

“25. The provisions of [Cr.P.C.](#) confer discretionary jurisdiction on criminal courts to grant bail to accused pending trial or in appeal against convictions, since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, is a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardize the personal liberty of an individual.”

15. In **Prahlad Singh Bhati v. NCT, Delhi, (2001) 4 SCC 280**, the Hon’ble Apex Court has laid down the special factors for taking into consideration while exercising the bail jurisdiction and the relevant para 8 of the said judgment is reproduced as hereunder for ready reference:-

“8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of the evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

16. The observations of the Hon’ble Apex Court laid down in **State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21** at para 18 of the judgment also deserve a needful mention:

“18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see *Prahlad Singh Bhati v. NCT, Delhi* and *Gurcharan Singh v. State (Delhi Admn.)*]. While a vague allegation that the accused

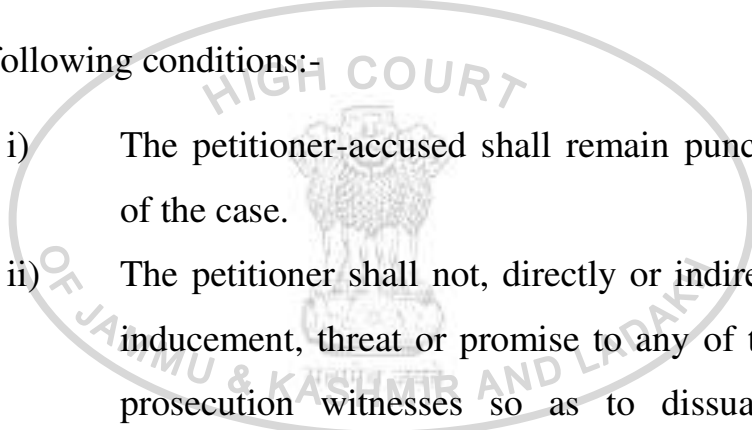
may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.”

17. The Hon’ble Apex Court in Sanjay Chandra’s case cited supra has *inter alia* held at para 40 of the judgment, “the grant or refusal to grant bail lies within the discretion of the Court. The grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case. But at the same time, right to bail is not to be denied merely because of the sentiments of the community against the accused. The primary purposes of bail in a criminal case are to relieve the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the Court, whether before or after conviction, to assure that he will submit to the jurisdiction of the Court and be in attendance thereon, whenever his presence is required.”

18. The Hon’ble Apex Court in its judgments cited as **Siddharam Satlingappa Mhetre Vs. State of Maharashtra decided on 02/12/2010, AIR 2011 SC 312 and Sushila Aggarwal and others vs. State (NCT of Delhi) and Another decided on January 29, 2020 by a larger bench 2020 SC online 98,** has interpreted law on the subject of anticipatory bail with a very wide outlook and while interpreting the concept of liberty guaranteed under Article 21 of the Constitution of our country in a flexible and broader sense. It has been *inter alia* observed by the Hon’ble Apex Court in the aforesaid judgments that the exact role of the accused must be properly comprehended before arrest is made. “The inner urge for freedom is a natural phenomenon of every human being. Respect

for life and property is not merely a norm or a policy of the state but an essential requirement of any civilized society. Just as the liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order.”

19. For the foregoing discussion and without commenting on the merits of the case which obviously shall be the subject matter of the final disposal of the trial case, petitioner-accused is admitted to bail in the instant case **FIR bearing No.40/2024 of Police Station, Bijbehara under section 8/21 NDPS Act**, subject to his furnishing surety and personal bonds to the tune of Rs. One lacs. each (surety bond Rs. One lacs. to be furnished by two sureties from amongst the relatives of the petitioner-accused each liable in the amount of Rs. fifty thousands) respectively to the satisfaction of the learned Registrar Judicial, Srinagar and the superintendent of jail concerned. This order shall however, be subject to the following conditions:-

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- i) The petitioner-accused shall remain punctual at the trial of the case.
 - ii) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any of the unexamined prosecution witnesses so as to dissuade them from making their factual statements at the trial.
 - iii) The petitioner shall not leave the limits of UT of J&K without the prior permission of the learned trial court.
 - iv) The petitioner shall not repeat the commission of any crime.

20. In case the requisite surety bonds are furnished to the satisfaction of the learned Registrar Judicial, Srinagar and duly attested, a formal release order shall be issued by the learned Registrar Judicial, Srinagar directing the release of the petitioner-accused from the place of his lodgment in the instant case **FIR**

bearing No.40/24 of P/S Bijbehara, subject to petitioner’s furnishing of personal bond in the amount of Rs. One lacs. to the satisfaction of the Superintendent of jail concerned.

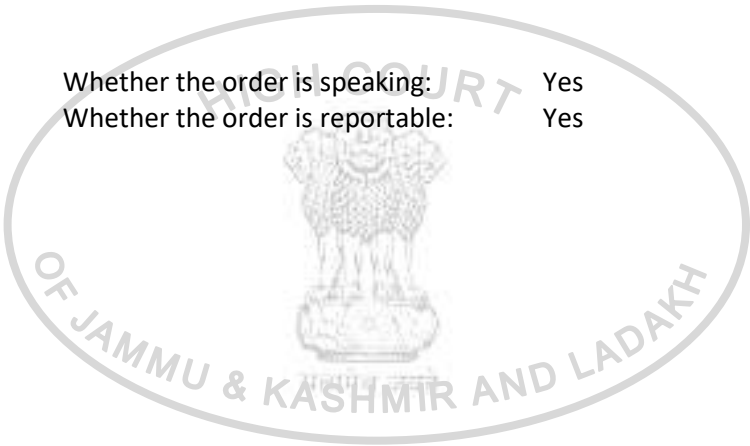
21. Learned trial court shall be competent to proceed against the petitioner-accused in terms of provisions of sections 491 and 492 BNSS corresponding to Sections 446, 446-A of the Code in the event of violation of any bail conditions.

22. Nothing in this order shall be construed as any interference with or pre-judging of the merits of the case.

23. *Disposed of.*

(Mohd. Yousuf Wani)
Judge

Jammu
04.12.2025
Shammi



Whether the order is speaking: Yes
Whether the order is reportable: Yes