

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR**

Reserved on: 20.11.2025

Pronounced on: 05.12.2025

Uploaded on: 05.12.2025

*Whether the operative part
or full judgment is
pronounced: **Full***

HCP No.386/2025

ZAHOOR AHMAD WANI **...PETITIONER(S)/APPELLANT**

Through: - Mr. M. Amin Khan, Advocate.

Vs.

U T OF J&K & ORS. **...RESPONDENT(S)**

*Through: - Mr. Faheem Nisar Shah, GA, vice
Mr. Mohsin S. Qadiri, Sr. AAG.*

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioner, through the medium of present petition, has challenged detention order bearing No. No.DIVCOM-“K”/205/2024 dated 06.12.2024, issued by the Divisional Commissioner, Kashmir, in exercise of powers conferred under Section 3 of the Jammu and Kashmir Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred as to “the Act of 1988”), whereby **Zahoor Ahmad Wani** (the detinue), has been placed under preventive detention in order to prevent him from

committing any of the acts within the meaning of the Act of 1988.

2) It has been contended that the allegations levelled against the detainee in the grounds of detention are vague, non-existent and merely bald assertions on the basis of which no prudent man can make an effective representation. It has been contended that the impugned detention order has been passed without any basis. It has been further contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material has not been provided to the petitioner. It has been further urged that there has been non-application of mind on the part of detaining authority while passing the impugned detention order.

3) The respondents have resisted the petition by filing their reply affidavit, wherein they have contended that the impugned order of detention is based on a reasonable prediction of future behaviour and the same has been passed while considering the detenu's past conduct. It has been contended that the detainee developed contacts with various notorious drug peddlers and became exposed to a drug peddling syndicate and he built a network with local drug traffickers and began selling drugs to the youth, including school children which had a detrimental effect on

the younger generation. It has been contended that the detainee is a part of a larger drug mafia which operates not only locally but across the district. It has been further contended that with a view to prevent the detainee from committing any offence under the provisions of the Act of 1988, his detention was ordered in terms of the impugned order. It is pleaded that whole of the material that formed basis of the grounds of detention has been furnished to the detainee and the same was read over and explained to him. It has been averred that the impugned detention order has been passed after adhering to all legal, statutory requirements and constitutional guarantees. In order to lend support to the stand taken in the counter affidavit, the respondents have produced the detention record.

4) I have heard learned counsel for parties and perused record of the case.

5) Although a number of grounds have been urged by the petitioner in his petition for assailing the impugned order of detention, yet, during the course of arguments, learned counsel appearing for the petitioner has submitted that the allegations made in the grounds of detention against the petitioner are vague which are not supported by any material.

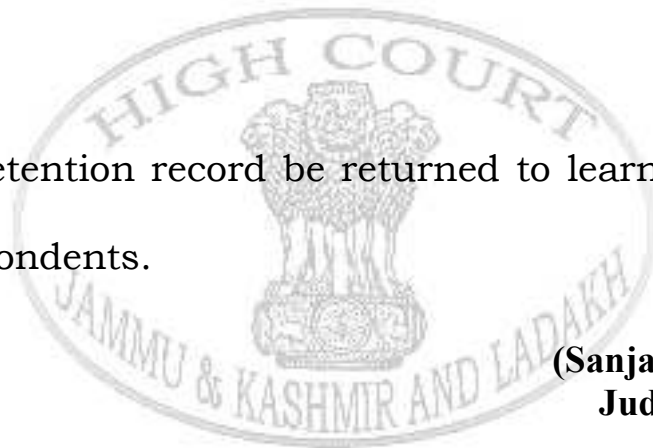
6) In the above context, if we have a look at the grounds of detention, it refers to involvement of the petitioner in FIR No.47/2023 for offence under Section 8/20, 29 of NDPS Act registered with Police Station, Rajpora, in which 02 sticks of charas weighing 1300 grams are stated to have been recovered. It is also recorded in the grounds of detention that the petitioner has been released on bail in the aforesaid FIR. The grounds of detention further proceed to record that after the petitioner was bailed out by the Court in the aforesaid FIR, he continued to indulge in the said activities discreetly which poses a serious threat to the health and welfare of the people of the area. This assertion of the respondent detaining authority is stated to be based upon continuous reports received by the sponsoring agency.

7) The grounds of detention and the detention record produced by the respondents are silent as to the particulars of the activities have been allegedly undertaken by the petitioner after his release on bail in the aforesaid FIR in the year 2023. Neither the particulars of the places nor the details about the activities are mentioned in the grounds of detention. The respondents have not brought on record anything that would go on to show as to what were the field reports received by the sponsoring agency. These field reports are not available in the detention record produced by the respondents. In the face of this position, the ground

projected by the petitioner appears to be forceful. Without there being any particulars with regard to the alleged activities of the petitioner after having secured bail in the year 2023 and without there being any material on record to support the assertion of the detaining authority in this regard, the impugned order of detention becomes vulnerable and, as such, the same deserves to be set aside.

8) For the foregoing reasons, the petition is allowed and the impugned order of detention is quashed. The detenue is directed to be released from the preventive custody forthwith provided he is not required in connection with any other case.

9) The detention record be returned to learned counsel for the respondents.



(Sanjay Dhar)
Judge

SRINAGAR

05.12.2025

"Bhat Altaf-Secy"

Whether the order is reportable:

Yes/No