

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

Reserved on: 10.11.2025

Pronounced on: 05.12.2025

Uploaded on: 05.12.2025

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

HCP No.388/2024

JAVOID AHMAD HAJAM

...PETITIONER(S)/APPELLANT

*Through: - Mr. S. T. Hussain, Sr. Advocate with
Ms. Nida Nazir, Advocate.*

Vs.

U T OF J&K & ORS.

...RESPONDENT(S)

Through: - None.

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

JUDGMENT

1) 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"), has, vide order No.DIVCOM-"K"/191/2024 dated 28.11.2024, ordered preventive detention of **Javid Ahmad Hajam** (the detenue), in order to prevent him from committing any of the acts within the meaning of the Act of 1988.

2) By the instant petition, veracity and legality of the impugned detention order has been challenged by the petitioner contending that the impugned detention order has been passed without application of mind as the grounds of detention are vague, non-existent and stale on which no prudent man can make a representation against such allegations. 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, considering the detenu's past conduct. It has been contended that the detenu developed contacts with drug peddlers operative in his area and started selling/dealing in drugs among the youth of the area which have adverse impact on the younger generation. It has also been contended that the detenu was exposing the young and gullible minds including school going children to the heinous world of drugs and making them

habitual drug addicts. It has been contended that the detenue is an active member of drug mafia, who is relentlessly involved in the drug trafficking in his area and outside State. It has been contended that the detenue was involved in case FIR Nos.10/2023 and 58/2023 for offence under Section 8/15, 29 of NDPS Act, both registered with Police Station Qaimoh. It has been further contended that with a view to prevent the detenue 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 detenue 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.

4) I have heard learned counsel for petitioner 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 Senior 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 two FIRs, (i) FIR No.10/2023 for offence under Section 8/20 of NDPS Act and (ii) FIR No.58/2023 for offences under Section 8/15, 29 of NDPS Act, both registered with Police Station, Qaimoh. In FIR No.10/2023, 6.500 kgs of Bhang and 180 grams of charas are stated to have been recovered whereas 6 kgs of Poppy Straw are stated to have been recorded in FIR No.58/2023. It is also recorded in the grounds of detention that the petitioner has been released on bail in both these FIRs. The grounds of detention further proceed to record that after the petitioner was bailed out by the Court in the aforesaid FIRs, 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 field reports received by the sponsoring agency.

7) The grounds of detention are silent as to the particulars of the activities that have been allegedly undertaken by the petitioner after his release on bail in the aforesaid two FIRs in the year 2023. Neither the particulars

of the places nor the details about the activities are mentioned in the grounds of detention. To top it all, the respondents have not produced the detention record that could have gone on to show the nature of field reports received by the sponsoring agency. These field reports have not been placed on record by the respondents along with their counter affidavit nor the detention record has been produced to bring these reports to the notice of the Court. 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.

(Sanjay Dhar)
Judge

SRINAGAR

05.12.2025

"Bhat Altaf-Secy"

Whether the order is reportable:

Yes/No