

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 197/2026

Date of pronouncement: 06.03.2026

Date of uploading: 07.03.2026

UT of J&K th. SHO Police Station,
Katra

.....Appellant(s)/Petitioner(s)

Through: Mr. Sumeet Bhatia, GA

vs

Sanjay S/o Rashid Muni R/o Mongri,
Udhampur
A/p
Katra, District Reasi.

..... Respondent(s)

Through: None

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

ORDER

06.03.2026

1. By way of the present petition, the petitioner seeks quashment/cancellation of the bail granted in favour of the respondent by the Court of the Principal Sessions Judge, Reasi, in case FIR No. 149/2025 titled ***“Sanjay Vs. UT of J&K through SHO Police Station, Katra”***. The order impugned is dated 06.06.2025 whereby the respondent-accused has been admitted to bail. The petitioner contends that the said order has been passed in flagrant violation of law and without proper appreciation of the material available on record. It is urged that the respondent-accused had failed to carve out a prima facie case for grant of bail and that the recovery effected from his possession was of such a nature which did not warrant grant of bail. It is further submitted that there exists a likelihood that in the event the respondent remains at liberty, he may indulge in the commission of similar offences again.

2. Learned counsel for the petitioner submits that the matter requires issuance of notice. However, from a perusal of Annexure–I appended with the petition, it transpires that bail has been granted to the respondent, namely Sanjay S/o Rashid Muni R/o Mongri, Udhampur, in case FIR No. 149/2025 of Police Station, Katra, registered for offences under Sections 8/21/22/29 of the NDPS Act. The respondent was arrested on 23.05.2025 and was granted bail on 06.06.2025 by the learned Trial Court. Be that as it may, the impugned order pertains to seizure of 1070 tablets of Alprazolam allegedly recovered from the possession of the respondent, which weighed 0.535 grams. The learned Trial Court, while granting bail to the respondent, has observed that the quantity recovered falls within the category of '*small quantity*' as defined under the NDPS Act. Taking into consideration the nature of the quantity involved as well as the period of custody undergone by the accused, the learned Trial Court was of the view that further incarceration of the respondent was not warranted. The apprehension expressed by the prosecution that the accused, if enlarged on bail, may abscond or jump bail, was considered by the Trial Court to be merely speculative and unsupported by any concrete material. Consequently, the respondent was admitted to bail.

3. A perusal of the Trial Court record further reveals that apart from the respondent, there were other co-accused persons who had also been arrested in connection with FIR No. 149/2025 for offences under Sections 8/21/22/29 of the NDPS Act. From each of the accused persons, specific quantities of Alprazolam tablets were allegedly recovered. Insofar as the respondent is concerned, the recovery attributed to him is of 1070 tablets of

Alprazolam. Undoubtedly, the possession of such substance is regulated and prohibited in terms of Section 8 of the NDPS Act. However, it was projected before the learned Trial Court that if the quantities recovered from all the accused persons are taken together, the same would fall within the ambit of '*commercial quantity*', thereby disentitling the respondent from the benefit of bail.

4. The argument advanced by the petitioner, though attractive at first glance, cannot be accepted at this stage. Whether all the accused persons were acting in concert and sharing a common intention to possess the contraband collectively so as to attract the rigours of Section 29 of the NDPS Act is a matter which would necessarily require proof during trial. In order to invoke Section 29 of the NDPS Act, it must be demonstrated that each of the accused persons had knowledge of the possession of the contraband by the others and that such possession formed part of a common design or conspiracy. Unless and until such a nexus is established through evidence during the course of trial, the possession attributed to each accused is required to be considered individually.
5. Viewed from this perspective, the learned Trial Court appears to have exercised its discretion judiciously while granting bail to the respondent by treating the recovery attributed to him separately and by considering the quantity involved to be within the category of small quantity. The parameters governing interference with an order granting bail are well settled, and unless the order suffers from perversity, illegality, or manifest arbitrariness, this Court would be slow to interfere with the discretion exercised by the Trial Court.

6. In the present case, learned counsel for the petitioner has not been able to demonstrate that the order impugned suffers from any such infirmity which would warrant interference by this Court.
7. Accordingly, the petition being devoid of merit is *dismissed* at the admission stage.

(Sanjay Parihar)
Judge

Jammu
06.03.2026
Vishal Sharma

Whether the order is reportable?

No

Whether the order is speaking?

Yes

