Sr. No. 43

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
ATJAMMU

CRM (M) No. 632/2026

Raahat Amaan .....Applicant(s)/Petitioner(s)

Through :- Mr. Jameel Ahmed, Advocate

v/s

UT of J&K &Others .....Respondent(s)

Through :- Mr. Sumeet Bhatia, GA

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

ORDER
24.06.2026

1) Pursuant to the previous order dated 22.06.2026, the Investigating Officer in FIR No. 35/2026 of Police Station Ramnagar under Sections 8/21/22 of the NDPS Act appeared before this Court along with the Case Diary. The record reveals that on 17.03.2026, a heroin-like contraband substance weighing 6.21 grams, inclusive of the polypack, is alleged to have been recovered from the possession of the petitioner at a Naka point falling within the jurisdiction of Police Station Ramnagar. The petitioner has since been admitted to bail.

2) The principal contention raised by the petitioner is that the very genesis of the FIR is fabricated. It is pleaded that one Saksham Thakur was apprehended by the police during the intervening night of 16.03.2026 and 17.03.2026 and was brought to Police Station Ramnagar in a Swift car. According to the petitioner, Saksham Thakur was coerced into calling him to the Police Station. It is alleged that upon his arrival, the petitioner was unlawfully detained by the Station House Officer along with other police personnel, including one Ajay and certain

Special Police Officers, without any recovery being effected from his possession. It is further alleged that at about 12:17 p.m., he was taken from the Police Station by SPO Narinder to the alleged place of recovery, where a false recovery was subsequently shown to have been effected. The petitioner, thus, asserts that he was already in illegal police custody well before the alleged occurrence shown to have taken place between 2:30 p.m. and 2:55 p.m., and that the story of Naka checking and recovery is a complete fabrication.

3) The petitioner further submits that the CCTV footage of the Police Station, as well as that of the alleged place of occurrence, would establish that no recovery was effected from him and that he had been falsely implicated. On this premise, the petitioner has invoked the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the impugned FIR and all consequential proceedings. In essence, the petitioner's case is that no contraband was ever recovered from his possession and that he was never apprehended at the alleged place of occurrence.

4) Learned counsel appearing for the petitioner submitted that although the allegations are serious in nature, certain photographs placed on record *prima facie* indicate that the petitioner had remained in police custody prior to the alleged recovery. It was, therefore, urged that the CCTV footage of Police Station Ramnagar for the period commencing from 12:17 p.m. till the petitioner's formal arrest at 2:55 p.m. on 17.03.2026 deserves to be preserved so as to enable the petitioner to establish his defence during the trial.

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5) The aforesaid submissions were stoutly opposed by the respondents, who, with reference to the Case Diary, submitted that the contraband was recovered from the conscious possession of the petitioner in the presence of independent witnesses. It was further submitted that the investigation has been concluded and the charge-sheet stands prepared for presentation before the competent Court. Learned counsel for the respondents further contended that the present petition raises disputed questions of fact relating to the alleged false implication of the petitioner, which cannot be adjudicated while exercising inherent jurisdiction under Section 528 of the BNSS. It was submitted that appreciation of such factual disputes necessarily requires evidence to be led before the trial Court.

6) During the course of hearing, learned counsel for the petitioner fairly stated that an application seeking preservation of the CCTV footage has already been moved before the learned trial Court.

7) Having heard the counsel for the parties and upon perusal of the Case Diary, this Court finds that the petitioner stands accused of offences punishable under Sections 8/21/22 of the NDPS Act on the basis of an alleged recovery of 6.21 grams of contraband, which, as per the report of the Forensic Science Laboratory, has been identified as heroin. It is not in dispute that the quantity recovered exceeds the prescribed small quantity under the NDPS Act. The petitioner has already been enlarged on bail, and the investigation has culminated in the preparation of the charge-sheet. The defence sought to be projected by the petitioner is that he had been falsely implicated and was already in police custody prior to the alleged recovery. In support thereof, reliance is sought to be placed upon the CCTV footage of the Police Station to demonstrate

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that he was present therein at about 12:17 p.m. on 17.03.2026 and, therefore, the subsequent recovery shown to have been effected between 2:30 p.m. and 2:55 p.m. is a fabricated exercise.

8) These contentions, in the considered opinion of this Court, involve disputed questions of fact which cannot be adjudicated in proceedings under Section 528 of the BNSS. The jurisdiction of this Court under the said provision is not intended for conducting a roving enquiry into the evidentiary value of the rival versions or for embarking upon an appreciation of evidence, which squarely falls within the domain of the trial Court. Nevertheless, considering that the investigation has already concluded and that the petitioner has specifically sought preservation of the CCTV footage, this Court deems it appropriate to direct that the application already filed by the petitioner before the trial Court seeking preservation of the CCTV footage shall be considered and decided expeditiously, strictly in accordance with law. The petitioner shall be at liberty to avail of such remedies as may be available in law, including approaching this Court, should the occasion so arise.

9) Accordingly, the present petition is **disposed of** along with all connected applications, if any.

10) The Case Diary be returned to the Investigating Officer.

(Sanjay Parihar)
Judge

JAMMU
24.06.2026
Ram Murti

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