

Regular List
Serial No. 07

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

Bail App No. 267/2025
CrIM No. 1894/2025

Date of pronouncement : 12.05.2026
Uploaded on : 13.05.2026

Bagh Hussain @ Bagha & Anr.

.....Petitioners

Through:- Mr. Zulker Nain Sheikh, Advocate.

V/s

UT of J&K & Anr.

.....Respondents

Through:- Mr. Suneel Malhotra, GA.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER

01. By reference to **FIR No. 126/2024** dated **24.04.2024** registered by the Police Station Kathua, four accused persons, two of whom are petitioners herein, came to be apprehended for alleged commission of offences under sections **8/21/22/29** of the **Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985**.

02. The apprehension of the two petitioners took place at a surprise Naka laid on Kathua-Keedian road near Megha

Company. The two petitioners are residents of district Hoshiarpur, Punjab.

03. On the basis of search of the apprehended petitioners, recovery of alleged contraband of heroin weighing 95.74 grams was effected from the petitioner No. 1 and 101.36 grams from the petitioner No. 2.

04. In addition to the petitioners, another person apprehended was Muskeen alias Mannu who is said to be a juvenile from whom alleged recovery of 87.31 grams of heroin had come to take place on the date of naka search. Fourth accused person, namely, Gulzar Ahmed alias Lahu is said to have managed to flee away from the naka check point.

05. On the basis of the investigation, the Police Station, Kathua came up with **Final Police Report No. 179/2024** dated **19.10.2024**.

06. The petitioner Nos. 1 and 2 came to be arrested on **24.04.2024** and continue to be in judicial custody as an undertrial.

07. The investigation came up with 11 prosecution witnesses cited to bring home the charges against accused persons.

08. Out of 11 prosecution witnesses, a substantial number of prosecution witnesses have come to be examined and all of them incidentally are police officials or the public servants.

09. Two or three Prosecution Witnesses are awaited to be examined and in the meantime, the petitioners have come forward with the present bail application under section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 after having suffered rejection of their plea from the trial court of learned Additional Sessions Judge, Kathua.

10. Considering the fact that the trial of the petitioners is at the fag end of recording of prosecution evidence, as such, at this stage of the case, this Court is of view that the cause of the petitioners would be well served by waiting for the final verdict in the criminal case and for this purpose this Court can direct the court of learned Additional Sessions Judge, Kathua to expedite the trial by examining the remaining prosecution witnesses on an urgent note.

11. Accordingly, this bail petition of the two petitioners is hereby **dismissed** with a direction to the learned Additional Sessions Judge, Kathua to ensure that remaining prosecution witnesses are summoned without

unnecessary adjournments and to take a call, upon examination of the all the prosecution witnesses, as to whether there is an incriminating material against the petitioners coming on record to lead their defence or the situation is otherwise.

12. The court of learned Additional Sessions Judge, Kathua shall ensure that the examination of the remaining prosecution witnesses takes place by or before the end of **July, 2026.**

13. A copy of this order be forwarded by the learned Registrar Judicial, Jammu to learned Additional Sessions Judge, Kathua for the sake of notice and compliance.

JAMMU
12.05.2026

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No