

Regular List
Serial No. 09

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

Pronounced on: 07.08.2026
Uploaded on: 07.08.2026

CRM(M) No. 1385/2025

**Soma Devi, age 82 years,
W/O Late Sh. Shanker Dass,
R/O Village Dub Ditta,
Tehsil Marh, District Jammu** Petitioner

Through: Mr. Rakesh Chargetra, Sr. Adv. with
Mr. Abhishek Verma, Advocate

Vs

**Union Territory of J&K,
Through Incharge/SHO,
Police Station, Kanachak,
Jammu** Respondent

Through: Mr. P.D. Singh, Dy. AG

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE
ORDER
(07.08.2026)

01. The petitioner, through the medium of this petition filed under Section 528 read with Section 483 of Bharatiya Nagrik Suraksha Sanhita, (BNSS), 2023, seeks quashment of order dated 31.10.2025 passed by the court of learned Special Judge, NDPS Cases, Jammu, in case titled “**UT of J&K Vs. Soma Devi**”, whereby the interim bail granted on medical ground to the petitioner earlier by the trial court has been cancelled without affording an opportunity of being heard and without considering the document furnished by the Medical Board to prevent abuse of

process of law and for the ends of justice and prayed that she be admitted to bail in case titled “UT of J&K Vs. Soma Devi”, arising of FIR No. 37/2020 registered at Police Station, Kanachak, Jammu for the commission of offences under Sections 8, 21 & 22 of NDPS Act.

02. This Court vide order dated 27.12.2025, admitted petitioner to interim bail, subject to filing of objections with appropriate conditions. The respondent has failed to file the reply/objections despite availing opportunities in this behalf, as such, the matter is being considered.
03. Learned counsel for the petitioner submits that the petitioner is of the age of more than **80 years** and has been suffering from Locomotive Orthopaedic disease, restricting her movement and that in view of the Medical Board’s report, she has been suffering from **Osteoarthritis of joints including both shoulders right more than left and both knees** and that the limitation of movement and pain are terminal.
04. Learned counsel for the respondent, however, opposed the plea of the learned counsel for the petitioner on the ground that the petitioner is involved in a case attracting the rigour of Section 37 of NDPS Act, which bars the grant of bail to the accused, even on medical grounds. Learned counsel for the parties, however, submit that the case before the trial court is in advance stage of the trial and only the IO is left to be examined whose partial statement is also stated to have been recorded.
05. In this situation of the matter, there could not be any apprehension of tampering of the evidence by the petitioner and the contention of the learned counsel for the respondent that even on medical grounds, the bar under Section 37 of NDPS Act will be applicable, is not tenable and is,

accordingly, rejected. The present petition in view of the petitioner being woman, in her advanced age of more than 80 years and suffering from Locomotive Orthopaedic disease, is thus, allowed and the order **dated 27.12.2025**, passed by this Court, granting bail to the petitioner, **is made absolute.**

06. The petition is, accordingly, disposed of.

(M A CHOWDHARY)
JUDGE

JAMMU
07.08.2026
SUNIL

