

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

Reserved on: 06.08.2026
Pronounced on: 07.08.2026
Uploaded on: 07.08.2026

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

Case: - HCP No. 3/2026

Mohd. Youns

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

Through: Mr. Rohit Bhalwal, Advocate

Vs

UT of J&K and Ors.

..... Respondent(s)

Through: Ms. Sagira Jaffer, Assisting counsel to
Ms. Monika Kohli, Sr.AAG

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. The order of detention dated 08.09.2025, issued by respondent No. 2, the Divisional Commissioner, Jammu, under Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, read with SRO 245 dated 27.07.1988 (hereinafter referred to as the PITNDPS Act") has been impugned in the present petition. The petitioner has assailed the impugned order, *inter alia*, on the following grounds:

- i. That the material relied upon by the detaining authority, forming basis of the impugned order of detention, was not supplied to the petitioner and the grounds of detention were neither read over nor explained to the petitioner in a language understood by him.

- ii. That no satisfaction was recorded by the detaining authority to the effect that the ordinary law of the land has failed to deter the petitioner from indulging in illegal activities and, therefore, the order of detention is vitiated.
 - iii. That the petitioner was not informed by the detaining authority of his right to make a representation against the order of detention.
 - iv. That the grounds of detention are the *verbatim* reproduction of the dossier submitted by the sponsoring agency for detaining the petitioner under the Act.
2. Respondent No. 2 has filed the counter affidavit, stating therein that the dossier dated 29.08.2025 was submitted by the Senior Superintendent of Police, Rajouri, and after careful examining the same and the relevant records annexed thereto, it was found imperative to detain the petitioner/detenué under the PITNDPS Act. It is stated that FIR No. 96/2024 under Sections 8/15/25 of the NDPS Act and FIR No. 52/2025 under Sections 8/15/25/29 of the NDPS Act stand registered with Police Station Kand, but after being granted bail, the petitioner again indulged in the illegal trafficking of narcotic drugs and posed a serious threat to the health and welfare of the people. It is also stated that the ordinary law had failed to deter the petitioner from indulging in illegal activities. At the time of execution of the detention order, the Executing Officer has provided the complete detention record, including the copy of detention order, copy of grounds of detention (Total 92 leaves) and explained the detenué/petitioner in the language i.e., Hindi/Dogri, which he fully understands. He was also informed of his right to make a

representation with the Government (Home Department) as well as to the detaining authority. Precisely, the contention of the respondents is that all statutory right and constitutional safeguards were duly complied with at the time of passing of detention order and its execution.

3. Heard learned counsel for the parties and perused the record, including the detention record.
4. The record depicts that, pursuant to dossier submitted by the sponsoring agency i.e., respondent No. 3, the detaining authority passed the order of detention dated 08.09.2025. The dossier refers to two FIRs i.e., FIR No. 96/2024 and FIR No. 52/2025. In FIR No. 96/2024, registered on 21.08.2024 under Sections 8/15/25 of the NDPS Act with Police Station Kandi., the allegations therein are that on 21.08.2024, during evening time, while checking of the vehicles at Thanagalli near Petrol Pump, the vehicle bearing registration No. JK03-B2670 driven by the petitioner was stopped and 01 Kg of poppy straw was recovered. In FIR No. 52/2025, registered with Police Station, Kandi on 19.05.2025, under Sections 8/15/25/29 of the NDPS Act, the allegations pertain to the recovery of poppy straw weighing 4.276 Kgs from the vehicle bearing registration No. JK02-B2670, in which the petitioner was travelling along with his associate, namely, Javed Shah.
5. The petitioner has been granted bail and is presently facing trial before the Court. In both these FIRs, the same vehicle is involved, which, to some extent, provides credibility to the stand of the respondents that the petitioner is allegedly involved in the illicit trafficking of narcotics

contraband. Upon receipt of the dossier, respondent No. 2, examined the material placed before him and prepared the grounds of detention, which clearly demonstrate due and proper application of mind by respondent No. 2. The record further reveals that the grounds of detention and all other relevant record relied upon by respondent No.2 were provided to the petitioner on 10.09.2025. In the receipt, it is mentioned that copy of detention order (03 leaves), copy of notice of detention (01 leaf), grounds of detention (05 leaves), Dossier of detention (05 leaves), Copies of FIR, Statements of witnesses and other related relevant documents (78 Leaves (Total 92 leaves) were provided to the petitioner and further PSI Amit Radhey, the Executing Officer read over the same in English Language and explained to the petitioner in Hindi/Dogri languages, which he fully understood. The petitioner has also signed the receipt of grounds of detention and the relevant record. The execution report prepared by the Executing Officer confirms that all material relied upon by the detaining authority was supplied to the petitioner, and that the grounds of detention were explained to him in Hindi/Dogri. Significantly, the petitioner has also signed the execution report. In the execution report as well as the grounds of detention, it has also been mentioned that the petitioner can make a representation to the Government as well as the detaining authority against the order of detention, if he so desires.

6. Now, this Court shall examine the contentions raised by the petitioner. The first contention raised by the petitioner is that the material relied

upon by the detaining authority was not provided to him and the grounds of detention were not read over to him in a language understood by him. However, as mentioned above, this contention is belied by the detention record produced by the respondents. Accordingly, the same is rejected.

7. Secondly, it was contended that no satisfaction has been derived by the detaining authority while passing the order of detention that the ordinary law has failed to deter the petitioner from indulging him in illegal activities. In Para-2 of the grounds of detention prepared by the detaining authority, the detaining authority has recorded the satisfaction that the substantive law has failed to deter the petitioner from indulging in criminal activities, which is evident from the fact that after the petitioner was released on bail in earlier FIR, he again committed the similar offence. Consequently, this contention is also rejected.
8. Further, it was contended that the petitioner was not informed of his right to make a representation against the order of detention. A perusal of the receipt of grounds of detention as well as the execution report demonstrates that the petitioner was informed of his right to make a representation to the detaining authority and also to the Government. In fact, the petitioner submitted a representation dated 25.09.2025 through his wife, which came to be rejected in terms of the order dated 04.10.2025 by the detaining authority. Therefore, there is no force in this contention of the petitioner and the same is rejected.
9. Lastly, it was contended that the grounds of detention are merely a *verbatim* reproduction of the dossier submitted by the sponsoring

agency. This Court has carefully compared the grounds of detention and the dossier prepared by the sponsoring agency, but this Court does not find that the grounds of detention prepared by the detaining authority are the verbatim reproduction of the dossier prepared by the sponsoring agency. This contention too is without merit.

10. In view of the foregoing discussions, this Court is of the considered opinion that none of the grounds urged by the petitioner merit acceptance. Consequently, the writ petition, being devoid of merit, is dismissed. The detention record be returned to the learned counsel for the respondents.

(RAJNESH OSWAL)
JUDGE

Jammu
07.08.2026
AKHILESH

Whether the order is speaking:	Yes
Whether the order is reportable:	No