

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

**HCP 7/2026**

**Amir Suhail Ganie**

**...Petitioner(s)**

Through: Mr. Mubashir Rabani, Advocate

**Vs.**

**Union Territory of J&K and Ors.**

**...Respondent(s)**

Through: Mr. Mohsin Qadri, Sr. AAG with  
Ms. Maha Majeed, Assisting Counsel

**CORAM:**

**HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**

25.02.2026

**1.** Through the medium of this petition, the petitioner, acting through his mother-Haleema, came forward with the institution of present writ petition on **27.01.2026** seeking quashment of his preventive detention custody which came to be inflicted upon him in terms of Order No. **DIVCOM-"K"/21/2025** dated **24.02.2025** by reference to his alleged activities state of activities falling within the scope of mischief of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

2. The detention order came to be passed by respondent No. 2-Divisional Commissioner, Kashmir, on the basis of which the petitioner came to be detained and kept confined in Central Jail, Kot Bhalwal, where he has come to undergo a substantial part of his detention period before coming forward with the institution of the present writ petition at the fag end of his remainder detention period.

3. The preventive detention of the petitioner was solicited by the Senior Superintendent of Police (SSP), Anantnag who submitted a dossier to the respondent No. 2-Divisional Commissioner, Kashmir, stating therein that the petitioner is involved in drug-related activities and even having an FIR **No. 22/2023** registered at Police Station, Anantnag attending upon him, in which case he is undergoing trial, and therefore required to be put under preventive detention for checking his alleged activities.

4. Respondent No. 2-Divisional Commissioner, Kashmir, on the basis of the dossier, formulated the grounds of detention thereby drawing a subjective satisfaction that a case was made out for ordering the preventive detention of the petitioner.

5. There is an inherent lacuna in the dossier submitted by the Senior Superintendent of Police (SSP), District Anantnag, inasmuch as the recommendation for detention of the petitioner was made more by unsaid reference to the provisions of the Jammu and Kashmir Public Safety Act, 1978, by reckoning the activities of the petitioner as prejudicial to the maintenance of Public Order, rather than within the scope of mischief of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

6. This is where the respondent No. 2-Divisional Commissioner, Kashmir, erred in acting upon the said dossier of the Senior Superintendent of Police (SSP), Anantnag, without proper application of mind to the statutory framework invoked which renders the impugned order of detention legally invalid and deserves to be quashed.

7. The preventive detention order No. **DIVCOM-“K”/21/2025** dated **24.02.2025** passed by the respondent No. 2-Divisional Commissioner, Kashmir, read with the consequent approval/confirmation order by the Government of Union Territory of J&K, are hereby quashed.

**8.** The Superintendent of the concerned Jail detaining the petitioner is directed to release the petitioner forthwith, if not required in any other case.

**9.** Disposed of.

**SRINAGAR:**

25.02.2026

"Mir Arif"



**(RAHUL BHARTI)**  
**JUDGE**