

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

**CRM(M) No. 82/2026
C/w
(i) Bail App. No. 9/2026
(ii) Bail App. No. 32/2026**

Pronounced on: 11.08.2026

1. Union Territory of J&K through
Police Station, Ganderbal **...Petitioner(s)**

Through: Mr. Waseem Gull, GA

Vs.

Matloob Majeed Lone and Anr. **...Respondent(s)**

Through: Mr. R. A. Jan, Sr. Adv. with Mr. Shariq J. Riyaz, Adv.

2. Matloob Majeed through his father
Abdul Majeed Lone **...Petitioner(s)**

Through: Mr. R. A. Jan, Sr. Adv. with Mr. Shariq J. Riyaz, Adv.

Vs.

Union Territory of J&K through
SHO Police Station, Ganderbal and Anr. **...Respondent(s)**

Through: Mr. Waseem Gull, GA

3. Khalid Hassan Lone through his mother
Rubeena Lone **...Petitioner(s)**

Through: Mr. Umar Rashid Wani, Advocate

Vs.

Union Territory of J&K through
SHO Police Station, Ganderbal and Anr. **...Respondent(s)**

Through: Mr. Waseem Gull, GA

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

1. The petitioner-Matloob Majeed Lone, has come forward with present bail petition filed on **05.02.2026** invoking section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 thereby seeking bail in an ongoing criminal case on File No. Criminal Challan No. 39 of 2024 before the Court of the Additional Sessions Judge, Ganderbal.

2. The petitioner is one of seven accused persons in said criminal case figuring as an accused No.3.

3. The origin of said criminal case is sourced to registration of an **FIR No. 333/2023** on **23.12.2023** by the Police Station, Ganderbal for alleged commission of offences under Section 8/21 of the Narcotic Drugs and Psychotropic Substances (in short NDPS), Act 1985.

4. The registration of aforesaid **FIR No. 333/2023** dated **23.12.2023** was on the basis of a

purported information received at **19.00** hours at the Police Station, Ganderbal, that one Feroz Ahmad Bhat-accused No.1, running a shop under the business name “Afreen Communications” at Duderhama near Clock Tower, Ganderbal was indulging in sale of narcotics.

5. The information as documented in Urdu in the said FIR is reproduced in its translated version as under:-

“The brief facts of the case are that it is submitted that at the given time the Police Station received reliable information from credible sources that at Duderhama near Clock Tower, one Feroz Ahmad Bhat S/o Habibullah Bhat R/o Bamloora, Ganderbal has concealed narcotic drugs inside his shop namely Afreen Communications. It was further reported that the said shopkeeper was selling these narcotic substances at exorbitant prices with the intention of addicting the younger generation to drug abuse. Information being correct and on the basis of the aforesaid information received, the matter prima facie disclosed the commission of offences punishable under the provisions of the 8/21

NDPS Act. Accordingly, a case was registered at the Police Station, and investigation of the case was set into motion. The undersigned proceeded to the spot in connection with the investigation of the case. The following police personnel accompanied the undersigned as the escort party. Constable Anis-ul-Islam Belt No. 557/Gbl; constable Firdous Ahmad, Belt No. 967/Gbl; boarding in a Government vehicle driven by SPO Mohammad Shafi, Belt No. 620/G and ASI Mushtaq Ahmad, Belt No. 172/Gbl.

A detailed report regarding the proceedings conducted at the spot shall be submitted separately by the undersigned in daily diaries.”

6. Acting on said **FIR No. 333/2023**, the Investigating Officer is said to have carried out an immediate raid and search of shop premises of accused No.1-Feroz Ahmad Bhat to allegedly recover therefrom 12 Bottles (100 ml each) of Syrup Reckof bearing Batch No. NLD0144, Manufacturing Date November 2023, Expiry Date October 2025 with an MRP of Rs.175 per bottle. The details of alleged seizure

came to be documented in Seizure Memo (Fard Zapti) dated **27.12.2023**.

7. In addition to the alleged recovery of 12 Bottles (100 ml each) of Syrup Reckof, Tapentadol 100 mg Tablets, 03 boxes, each containing 10 Strips with 10 Tablets in each strip, making a total of 300 Strips comprising 3000 Tablets bearing Batch No. CAT4676, Manufacturing Date December 2023, Expiry Date November 2025 with an MRP of Rs.330 per strip were also recovered.

8. The search of the shop of the accused No.1-Feroz Ahmad Bhat is said to have taken place in presence of Executive Magistrate, Ganderbal and Dy. SP. HQ, Ganderbal in whose presence the recovered contraband and articles were photographed, seized and sealed on spot to be taken into police custody for investigation and evidence purpose.

9. Course of action under section 50 of NDPS Act, 1985 is said to have been carried out by service of a notice upon the accused No.1-Feroz Ahmad Bhat, leading to recovery of one Redmi-08 Mobile Phone, CRM(M) No. 82/2026
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Model M1908C311 from his personal search which was also taken into custody and subjected to sealing in presence of the Executive Magistrate, Ganderbal.

10. This development led to the arrest of said accused No.1-Feroz Ahmad Bhat on **23.12.2023** itself.

11. In his police remand custody, accused No.1-Feroz Ahmad Bhat is said to have come up with a purported confessional statement made on **27.12.2023**. The accused No.1-Feroz Ahmad Bhat, in his purported confessional statement made in the police custody, is alleged to have come up with a disclosure documented in Urdu which in English translation reads like this that inside my shop namely Afreen Communications there is a silver coloured locker which is locked in the lower drawer whereof there is a sealed parcel in which he (accused No.1) the petitioner and the accused No.2-Khalid Hussain Lone have kept Bottles of Reckof which were supplied to them from outside and that three of them jointly carried on this illicit trade and that he could identify

the place and get the said counter opened and the parcel recovered.

12. On the basis of alleged disclosure statement of the accused No.1-Feroz Ahmad Bhat, Farad Zapti of **27.12.2023** was prepared to effect the alleged recovery of 15 Bottles of Reckof Syrup 100 ml with Batch No. NLD0144 bearing manufacturing date November 2023 and expiry date October 2025 came to be carried out. The parcel bearing the delivery address thereupon bore the name of **Khalid Mobile No.9103597079, Shoib Mobile No.9103597079** and Asif **Mobile No. 6006275767**. This recovery is also alleged to have been carried out in presence of the Executive Magistrate First Class, Ganderbal.

13. Acting upon the purported confessional statement with alleged disclosure coded therein, the Investigating Officer of **FIR No. 333/2023** carried out the arrest of the petitioner on **29.12.2023**.

14. Further interrogation of the accused No.1-Feroz Ahmad Bhat is said to have resulted in a confessional

statement recorded on **29.12.2023** resulting in implicating of the accused No.5-Asif Imtiyaz Bhat.

15. On the basis of investigation carried out, final Police **Report No. 39 of 2024** dated **15.06.2024** came to be presented by the Police Station, Ganderbal, acting through its Investigating Officer and SHO Police Station, Ganderbal thereby booking and arraigning seven accused persons in the following order:

1. Feroz Ahmad Bhat S/o Habibullah Bhat R/o Bamloora Ganderbal-Accused No.1;
2. Khalid Hassan Lone S/o Ghulam Hassan Lone R/o Doderhama Ganderbal-Accused No.2;
3. Matloob Majeed Lone S/o Abdul Majeed Lone R/o Doderhama Ganderbal-Accused No.3;
4. Azhar Shah Jeelani S/o Ghulam Jeelani R/o Doderhama Ganderbal-Accused No.4;
5. Asif Imtiyaz Bhat S/o Imtiyaz Ahmad Bhat R/o Guzerbal Malpora, Ganderbal-Accused No.5;
6. Farhan Fayaz Lone S/o Fayaz Ahmad Lone R/o Aaras, Ganderbal-Accused No.6;

7. Akshay Goyal S/o Late Pawan Kumar
Goyal R/o Pahargunj Delhi (Approver
Witness)-Accused No.7.

16. In the final Police Report (Challan), thirty eigher (38) prosecution witnesses have been cited out of whom thirteen (13) witnesses happen to be police personnel and the rest being private persons and officials related with alleged personnel search, search of shop, seizure memo, identification parade, recovery memo, parceling and witness to statements recorded under section 164 Cr.PC.

17. Accused No.7-Lakshay Goyal came to be made an allegedly approver and, thus, also was cited as prosecution witness No. 32.

18. By virtue of an order dated **05.08.2024**, charge came to be framed against the accused for the alleged commission of offences under sections 8/21-29 of NDPS Act, 1985 by the court of Additional Sessions Judge, Ganderbal. Charge framing is not bearing any clarity as to whether all the accused Nos. 2 to 7 are being related to alleged recovery of **23.12.2023** of the alleged narcotics/contraband from the shop of the

accused No.1-Feroz Ahmad Bhat or also of other suspected transactions and dealings.

19. During the course of trial, accused No. 4-Azhar Jeelani Shah, came to be granted bail on medical grounds by virtue an order dated **22.03.2025** for a period of two months which was later on extended by virtue of an order dated **13.11.2025**.

20. Accused No.6-Farhan Fayaz Lone, came to be granted bail by virtue of an order dated **16.06.2026**.

21. Accused No.5-Asif Imtiyaz Bhat also came to avail bail on medical grounds.

22. Accused No.4-Azhar Jeelani Shah, earlier granted medical bail came to be admitted to regular bail by virtue of an order dated **16.06.2026**. Thus, out of seven accused persons with accused No.7-Lakshay Goyal being an approver, the accused No.4-Azhar Jeelani Shah, accused No. 5-Asif Imtiyaz Bhat, accused No.6-Farhan Fayaz Lone, came to be bailed out leaving the originally named accused No.1-Feroz Ahmad Bhat, and later named accused No. 2 and

accused No. 3 that is the petitioner herein languishing in custody as an under trial.

23. The petitioner-Matloob Majeed Lone as an accused No.3 along with accused No. 2-Khalid Hussain Lone preferred an application for bail before the trial court of the Additional Sessions Judge, Ganderbal which came to reject the same by virtue of an order dated **17.12.2025** leading the petitioner to approach this Court with the present **Bail Application No. 09/2026** filed on **05.02.2026**.

24. The premise on which the petitioner has now come forward pressing for his bail in the face of rigour of section 37 of NDPS Act, 1985 is that the implication of the petitioner is just by mere stray reference to the alleged confessional statement of prime accused No.1-Feroz Ahmad Bhat, without any iota of independent or intermediary evidentially link at the disposal of the Investigating Officer all along even to for booking the petitioner for investigation purposes muchless to arraign him as an accused person. The petitioner submits that disclosure statement being attributed to

him while being in state of police custody on **31.12.2023** wherein the petitioner is stated to have admitted that he was working jointly with accused No.1-Feroz Ahmad Bhat is meant to be end all evidence at the disposal of the Investigating Officer.

25. With effect from framing of charge against all accused persons including the petitioner in terms of order dated **05.08.2024** prosecution evidence commenced and by **16.06.2026**, eighteen (18) prosecution witnesses have come to be examined. The first prosecution witness to be examined in the case is accused No.7 Lakshay Goyal (prosecution witness No. 32) as an approver, whose statement was recorded on **25.10.2024** followed by examination of prosecution witness No. 1-CT Firdous Ahmad Malla, prosecution 2-SGCT Anees-ul-Islam, prosecution witness No. 3-ASI Mushtaq Ahmad, prosecution witness No. 4-ASI Nazir Ahmad, prosecution witness No. 5-SGCT Mushtaq Ahmad, prosecution witness No. 6-CT Mohammad Yaseen, prosecution witness No. 7-CT Ansar Ahmad, prosecution witness No. 8-ASI Mohammad Sadiq,

prosecution witness No. 12-Feroz Ahmad Lone,
prosecution witness No. 15-Mst. Suraiya Aziz,
prosecution witness No. 16-Irfan Manzoor Bhat,
prosecution witness No. 26-Adil Ahmad Sofi,
prosecution witness No. 27-Shoaib Ahmad Bhat,
prosecution witness No. 28-Urbain Fayaz and few
more.

26. Thus, at the time when this Court got seized of consideration of the petitioner's present bail petition, a substantial part of prosecution evidence has come on record of which the most important is accused No.7- Lakshay Goyal, as an approver, who in his entire statement as a witness recorded on **25.10.2024** not even by remote reference is mentioning the name of the petitioner as an accused No.3 in any context whatsoever. If such a star witness at the disposal of prosecution who is originally figuring as an accused in the array of accused persons is found missing even in whispering the name of petitioner then wherefrom incriminating basis was available with the Investigating Officer to put up the petitioner as an

accused before the trial court to stand trial is a glaring question getting posed itself.

27. The only basis which can be safely be said for the Investigating Officer to do so was the alleged disclosure-cum-confessional statement of prime accused No.1-Feroz Ahmad Bhat, who as per his confessional statement, is referring to two persons Khalid Hassan Lone and Matloob Majeed Lone without even disclosing their respective role and play in connection with alleged recovery of contraband taking place on **23.12.2023** from the shop Afreen Communications of the prime accused No.1-Feroz Ahmad Bhat and still the Investigating Officer zeroed on the petitioner and co-accused No.2-Khalid Hassan Lone to be picked up on **29.12.2023** that is within two days of alleged disclosure-cum-confessional statement of prime accused No.1-Feroz Ahmad Bhat being made on **27.12.2023**.

28. There is nothing on the case file, which this Court has perused upon getting it summoned from the trial court, as to on what basis the Investigating Officer

first confirmed the identity of the two names allegedly disclosed by prime accuse No.1-Feroz Ahmad Bhat in his alleged disclosure statement dated **27.12.2023** referring to one Matloob Majeed Lone and Khalid Hassan Lone to be the persons of the petitioner herein and the co-accused No.2-Khalid Hassan Lone. There is no linking investigative fact-cum-evidence showing that the prime accused No.1-Feroz Ahmad Bhat had personally led the Investigating Officer to the petitioner as well as to accused No. 2-Khalid Hassan Lone identifying them to be persons so named by him so as to enable their arrest on **29.12.2023**.

29. In absence of any such identification made by or solicited from the prime accused No.1-Feroz Ahmad Bhat, how the Investigating Officer zeroed in on and picked up the petitioner as well as co-accused No.2-Khalid Hassan Lone as to be the persons actually mentioned and intended by the prime accuse No.1-Feroz Ahmad Bhat is a missing link staring on the face of Prosecution's case.

30. Even if this Court were to assume that the petitioner as well as co-accused No.2-Khalid Hassan Lone are the actual persons mentioned and intended by the prime accused No.1-Feroz Ahmad Bhat, still nothing in the name of investigated facts came to be at the disposal of the Investigating Officer to act upon the disclosure-cum-confessional statement of the accused No.1-Feroz Ahmad Bhat to reach upto the petitioner and co-accused No.2-Khalid Hassan Lone to effect their arrest as being immediate partners in crime after accused No.1-Feroz Ahmad Bhat.

31. The shop, Afreen Communications, is not said to be relatable either to the petitioner or to the accused No.2 in any sense of the matter. The business of Afreen Communications is also not being attributed to be a joint or shared business of prime accused No.1-Feroz Ahmad Bhat with the petitioner and co-accused No.2-Khalid Hassan Lone.

32. This Court cannot lose sight of the fact that the charge sheet presented in the present case by the Investigating Officer being prosecuted by the

Prosecution is relatable to the alleged recovery of Bottles of Reckof (100 ml) and Tablets Tapentadol (100 mg) and it is that particular narcotics by reference to which the case is on trial by reference to accused No.1-Feroz Ahmad Bhat, but how the petitioner and the co-accused No.2-Khalid Hassan Lone are related to the procurement of said allegedly recovered narcotics/contraband is nowhere stated by the Investigating Officer so as to book the petitioner and co-accused No.2-Khalid Hassan Lone without assistance of the disclosure-cum-confessional statement of prime accused No.1.

33. In order to bring home charge against the petitioner and co-accused No.2 purportedly on the basis of the alleged disclosure-cum-confessional statement of prime accused No.1, the investigative facts which ought to have come on record in the Final Police Report /Challan ought to have been the track through which the alleged supply of recovered narcotics/contraband from the shop in possession of the prime accused No.1 came to take place.

34. In the name of evidence, this Court is finding prosecution witnesses not coming forward with such statements from their respective knowledge and information so as to stand the test of judicial application of mind in appreciation and appraisal of the alleged culpable complicity of the petitioner and co-accused No.2-Khalid Hassan Lone in the commission of crime which was found to have taken place by reference to the alleged recovery of narcotics/contraband from the shop “Afreen Communications” related to prime accused No.1.

35. In the light of the aforesaid, this Court can safely observe that the prosecution evidence so far has not been able to project an incriminating picture developing against the petitioner and co-accused No.2. This Court is inclined to hold that a *prima facie* case is made out for a view that the petitioner and co-accused No.2 may not be guilty of the offences charged and tried against them and this is where the petitioner becomes entitled to earn his bail by successfully

passing through the rigour of section 37 of NDPS Act, 1985.

36. Accordingly, this Court hereby grants bail in favour of the petitioner-accused No.3-Matloob Majeed Lone leaving the terms and conditions of bail hereby granted to be settled by the trial court of learned Court of the Additional Sessions Judge, Ganderbal.

37. Bail application No. 9/2026 **is disposed of.**

Bail App. No. 32/2026:

38. The case of the petitioner-Khalid Hassan Lone is identically placed with that of accused No.3-Matloob Majeed Lone without any shade of difference factual or legal and, as such, on the parity of the reasoning given by this Court in grant of bail in favour of accused No.3-Matloob Majeed Lone in terms of this order, the petitioner-Khalid Hassan Lone as accused No.2 is also held entitled to earn bail which is, accordingly granted leaving the terms and conditions of bail hereby granted to be settled by the trial court of learned Court of the Additional Sessions Judge, Ganderbal.

39. Bail Application No. 32/2026 is **disposed of**.

CRM(M) No. 82/2026:

40. In view of the disposal of the two Bail Petitions by granting of bail in favour of accused No.2-Khalid Hassan Lone and accused No.3-Matloob Majeed Lone by whose reference jail shifting direction passed by the Court of Additional Sessions Judge, Ganderbal came to be subject matter of present petition preferred by Union Territory of Jammu and Kashmir, this petition is rendered infructuous and is, accordingly **dismissed**.

41. Since a common order has been passed in all the three petitions, a copy of this order shall be placed with each of the petitions.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

11.08.2026

"Manzoor"

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No