

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

Pronounced on: 28.07.2026

Uploaded on: 30.07.2026

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

Bail App No.34/2026

MOHD ABRAR

...PETITIONERS/APPELLANT(S)

Through: - Mr. Ahmad Javid, Advocate.

Vs.

UT OF J&K

...RESPONDENT(S)

Through: -

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER(ORAL)

1) The petitioner, through the medium of present petition, is seeking bail in a case arising out of FIR No.136/2024 for offences under Sections 8/22, 27A and 29 of NDPS Act registered with Police Station, Safakadal, Srinagar, which is stated to be pending before the Court of Special Judge (NDPS Cases), Srinagar (hereinafter "the trial court").

2) As per the prosecution case, on 08.11.2024, Police Station, Safakadal, received a docket from the Naka Incharge to the effect that during Naka checking, a triple riding motorcycle was found coming from Soura towards

Safakadal. The motorcycle bearing registration No.JK01AF-0207, was intercepted and the persons riding on the motorcycle were identified as Aijaz Ahmad Ganai, Owais Ahamd Gojree and Mir Roman. Upon subjecting them to search, the aforesaid accused were found carrying a box containing 140 bottles (100 ml each) of Codeine Phosphate and Triprolidine Hydrochloride (WINCEREX). The three accused failed to produce any legal justification for carrying/transporting the aforesaid drugs and, accordingly, the FIR came to be registered and investigation of the case was set into motion. The three accused were put under arrest. The recovered 140 bottles were seized and the samples were drawn from the seized drug. The motorcycle was also seized, whereafter statements of the witnesses under Section 180 of BNSS were recorded. Upon arrest of the accused persons, cash amounting to Rs.36,800/ and mobile cell phones etc. were also recovered. The CDRs of the cell phones of the three accused persons were obtained and their bank account statements were also obtained.

3) During questioning of accused Mir Roman, he disclosed that he was purchasing drugs from outside the State from two persons, namely, Raju Gupta and Mohd Abrar (petitioner herein) who are depositing the amount through online mode directly in the bank accounts of aforementioned

three accused persons. The disclosure memo in this regard was prepared in presence of Executive Magistrate. The bank statements of all the accused persons were also obtained and upon perusal of the same, it was revealed that accused Mir Roman had credited an amount of Rs. 30,000 on 06.11.2024 in the bank account of the petitioner through online mode and another amount of Rs.30,000 in the account of Raju Gupta on 07.11.2024. Thus, the bank statements of the petitioner and accused Raju Gupta corroborated the disclosure statement made by accused Mir Roman. The call details of the accused persons also confirmed that the petitioner and other co-accused were in constant touch with each other.

4) After conducting investigation of the case, offences under Section 8/22, 27-A and 29 of NDPS Act were found established against the accused including the petitioner herein and the charge sheet was laid before the trial court.

5) Vide order dated 24.05.2025, the learned trial court framed charges for offences under Section 8/22, 27-A and 29 of the NDPS Act against all the accused persons including the petitioner herein.

6) It seems that the petitioner had approached the learned trial court seeking bail, but his application for grant of bail

has been rejected by the learned trial court in terms of order dated 30.12.2025.

7) The petitioner has sought bail on the grounds that four witnesses examined by the trial court so far have not stated anything against him and, as such, he is not connected with the commission of the alleged crime. It has been further contended that the petitioner has no criminal antecedents and that he has been falsely implicated. It has also been contended that the petitioner has been in custody for a considerable period of time, as such, his right to liberty guaranteed under Article 21 of the Constitution has been violated. The petitioner has further contended that no recovery has been effected from him and merely because he had bank transaction of Rs.30,000 with one of the accused, does not show that he was part of the conspiracy.

8) I have heard learned counsel for the parties and perused record of the case including the trial court record.

9) The petitioner in the instant case has been charged for offence under Section 8/22, 27-A and 29 of the NDPS Act. Thus, he is alleged to be part of the conspiracy which led to recovery of commercial quantity of the contraband drugs from the possession of the co-accused. He has also been charged for offence of financing illicit drug trafficking,

punishable under Section 27-A of the NDPS Act. Thus, the rigour of Section 27 of the NDPS Act is applicable to the case of the petitioner. It is to be noted here that the petitioner has not challenged the order whereby charges have been framed against him. Thus, unless the petitioner is able to persuade this Court that there are reasonable grounds for believing that he is not guilty of the offences for which he has been charged, he cannot be granted bail.

10) In the present case, the record does show that there is a financial transaction between the petitioner and one of the accused from whose possession commercial quantity of contraband substance has been recovered. There is also material on record in the form of CDRs to show that the petitioner has been in consistent touch with the co-accused during the period when the contraband substance was recovered from their possession. At this stage, only four prosecution witnesses have been examined and 13 prosecution witnesses, most of whom are material witnesses, are yet to be examined. Merely because the Executive Magistrate, in whose presence the co-accused is alleged to have made disclosure which led to the discovery of the fact relating to financial transaction between the petitioner and the co-accused, has not supported the prosecution case so far as disclosure statement made by the

co-accused is concerned, does not offer a ground to grant bail to the petitioner. It is to be noted that the disclosure statement has been witnessed by as many as four witnesses, including the Executive Magistrate. Merely because the Executive Magistrate has not supported the disclosure statement made by accused Mir Roman, the said statement cannot be discarded at this stage as there are three more witnesses to the disclosure statement and the said witnesses are yet to be examined.

11) Have regard to the fact that most of the material prosecution witnesses are yet to be examined and keeping in view the material on record, as discussed hereinbefore, it cannot be stated that there are no grounds for believing that petitioner is not guilty of the alleged offences. Thus, the requirements of Section 37 of the NDPS Act are not satisfied in the present case so as to enable the petitioner to carve out a case for grant of bail.

12) The contention of the petitioner that he has been in custody for a considerable period of time, is also misconceived for the reason that charges against the petitioner and co-accused have been framed only on 24.05.2025 and during less than one year, four prosecution witnesses have already been examined by the trial court upto

the date when the trial court record was summoned. Therefore, there has been no lethargy either on the part of the trial court or on the part of the prosecution in production of witnesses. Thus, it cannot be stated that right of speedy trial of the petitioner has been violated at this stage.

13) For the foregoing reasons, I do not find any merit in this petition. The same is dismissed accordingly.

**(Sanjay Dhar)
Judge**

SRINAGAR

28.07.2026

“Bhat Altaf-Dzeeg”

Whether the **Order** is speaking: **YES**

Whether the **Order** is reportable: **YES/NO**

