

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

Reserved on: 29.01.2026

Pronounced on: 03.03.2026

HCP No. 56/2025

Shah Jahan Parrah

.....Petitioners

Through: Mr. Umar Rashid, Advocate

Vs

Union Territory of J&K and Others

.....Respondents

Through: None.

Coram : HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

1. The petitioner-Shah Jahan Parrah, acting through his father Nazir Ahmad Parrah, came forward with the institution of present writ petition on **20.03.2025** bearing cause of action related to his preventive detention custody effected under the **Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act (PIT-NDPS), 1988.**

2. The situation which led to the preventive detention of the petitioner is when the Senior Superintendent of Police (SSP), Ganderbal,

through his communication **No. PSA-Cell/PIT-NDPS/2025/5226-32** dated **17.02.2025**, submitted a dossier with respect to alleged activities of the petitioner to the respondent No.2-Divisional Commissioner, Kashmir thereby urging exercise of jurisdiction under the PIT-NDPS Act, 1988 so as to prevent the petitioner from indulging in and continuing with his alleged activities.

3. The dossier so submitted by the Senior Superintendent of Police (SSP), Ganderbal led the respondent No.2-Divisional Commissioner, Kashmir to examine the material as cited in the dossier and to formulate the grounds of detention stating therein that the petitioner's involvement in psychotropic drugs' peddling came into notice in the year **2021** and **2022** by his involvement in **FIR No.08/2021** and **FIR No.328/2022** both registered by the Police Station, Ganderbal for alleged possession of 18 and 14 bottles of Codeine respectively.

4. By reference to said antecedents of the petitioner, the petitioner was reckoned to be a part and active member of large drug mafia and thus qualifying the petitioner's alleged activities to be within scope of mischief of PIT-NDPS Act, 1988.
5. On the basis of the grounds of detention so formulated, the respondent No.2-Divisional Commissioner, Kashmir came to pass the detention Order **No.DIVCOM"K"/31/2025** dated **04.03.2025** directing the detention of the petitioner under PIT-NDPS Act, 1988 and his consequent detainment in District Jail, Udhampur.
6. On the basis of said detention order, the petitioner came to be detained on **06.03.2025** from which date onwards the prescribed one year period of detention came to run against the petitioner and is soon coming to expire on its own.

- 7.** At the time of hearing of this petition, the petitioner is left with only one month and few days of detention period.
- 8.** When this Court peruses the detention order along with the grounds of detention, this Court is convinced that preventive detention of the petitioner was effected on stale state of affairs in the manner that the two FIRs of the year 2021 and 2022 could not have been pressed into reference both by the Senior Superintendent of Police (SSP), Ganderbal as well as respondent No.2-Divisional Commissioner, Kashmir to declare the petitioner as part of a drug mafia. If that was to be so, then the petitioner's preventive detention should have been sponsored and ordered immediately following last FIR of year 2022 otherwise from said FIR of 2022 onwards there is no reported act of omission or commission on the part of the petitioner to be reckoned as a case for suffering preventive detention.

9. In the light of the aforesaid, the preventive detention of the petitioner is reckoned to be illegal. Preventive detention Order **No.DIVCOM”K”/31/2025** dated **04.03.2025** along with confirmation/approval order are hereby quashed. The petitioner is directed to be restored to his personal liberty by his release from the concerned Jail.

10. **Disposed of,** as such.

(RAHUL BHARTI)
JUDGE

Srinagar
03.03.2026
Muzammil Q

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No