

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

Bail App 81/2026

PARVAIZ AHMAD HANGA

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

Through: Mr. Waqar Ul Haq, Advocate vice
Mr. Sajad Ashraf, Advocate

Vs.

UT of JK and Another

...Respondent(s)

Through: Mr. Waseem Gul, GA

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

18.09.2026

1. Heard the counsel for the parties.
2. The petitioner is an accused/undertrial in case FIR No. 23/2024 registered at Police Station Lar, Ganderbal, for offences under Sections 8/21-29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act"). The prosecution case, inter alia, is that 558.5 bottles of TUSKLIS-T, each containing 100 ml, and 14,900 tablets of Tapentadol were recovered from the possession of the petitioner. It is further alleged that the petitioner is involved in organised and commercial trafficking of narcotic drugs and psychotropic substances.
3. It appears that the petitioner was initially admitted to bail on medical grounds, having regard to his stated medical condition. The petitioner is stated to be a patient of CKD and is also stated to have been diagnosed with a tumour sometime in the year 2023. The Trial

Court, after considering his medical condition, initially extended the concession of bail to him. Subsequently, however, the Trial Court, taking note of the grave nature of the offences alleged against the petitioner and the fact that his appearance before the Court after grant of bail on medical grounds had not been regular, withdrew the concession of bail. Aggrieved thereof, the petitioner approached this Court by way of the present petition.

4. Having regard to the medical condition of the petitioner, this Court, vide order dated 06.05.2026, directed that the temporary bail granted to him by the Trial Court on medical grounds in terms of order dated 25.10.2025 shall continue till the next date of hearing, subject to the conditions stipulated in the said order. The petitioner has, accordingly, continued to remain on bail on medical grounds.
5. The respondents have opposed the continuation of the concession of bail, primarily on the ground that the medical condition of the petitioner has improved after his release on bail. It is further contended that, having regard to the rigours of Section 37 of the NDPS Act and the quantity of contraband allegedly recovered from the petitioner, he is not entitled to the concession of bail. The submissions advanced on behalf of the respondents, though requiring due consideration, cannot be examined in isolation from the present medical condition of the petitioner. In the absence of an updated and authoritative assessment of his health status, it may not be appropriate, at this stage, to direct that the petitioner be taken into custody. A fresh medical assessment is, therefore, necessary to enable the competent Court to take an informed view in the matter.

6. Accordingly, the interim bail granted to the petitioner by the Trial Court vide order dated 25.10.2025, which has continued to remain operative during the pendency of the present petition, shall remain in force till 31.10.2026, subject to the conditions already imposed. In the interregnum, the Trial Court shall refer the petitioner to the Standing Medical Board for a comprehensive assessment of his present health condition. The Standing Medical Board shall examine the petitioner and submit its report to the Trial Court in a sealed cover. Upon receipt of the report, the Trial Court shall consider and decide the question of continuation or otherwise of the petitioner's bail, in accordance with law, having due regard to his medical condition as reflected in the report and all other relevant considerations. For the said reasons the order of the trial court dt 02.05.2026 is hereby modified by reviving the bail application of the petitioner.
7. In view of the aforesaid directions, the present petition stands **disposed of**.
8. A copy of this order be transmitted to the Trial Court for compliance.

(SANJAY PARIHAR)
JUDGE

Srinagar
19.09.2026
"Imtiyaz"