

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

*Reserved on: 28.07.2026*

*Pronounced on: 14.08.2026*

*Uploaded on: 14.08.2025*

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

***Full***

**HCP No.182/2025**

BASIT AHMAD MIR

**...PETITIONER(S)/APPELLANT(S)**

Through: - Mr. Rafiq Ahmad, Advocate.

Vs.

UT OF J&K & ANOTHER

**...RESPONDENT(S)**

Through: - Mr. Hakim Aman Ali, Dy. AG.

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

**JUDGMENT**

**1)** Through the medium of present petition, the petitioner has challenged detention order bearing No.10/DMB/PSA/2025 dated 29.04.2025, issued by District Magistrate, Baramulla, whereby the detenue, namely, ***Basit Ahmad Mir***, has been placed under preventive detention so as to prevent him from indulging in the activities which are prejudicial to the security of the State.

**2)** It has been contended that the detenue is a law abiding citizen and he has not indulged in any illegal activity but he has been falsely implicated. It has been contended that grounds of detention are vague and mere assertions, on the basis of which no prudent person can make an effective representation. It has

been contended that there has been non-application of mind on the part of the detaining authority while passing the impugned order of detention and that the detention of the petitioner has been ordered on stale grounds. It has also been contended that the procedural safeguards have not been complied with in the instant case, inasmuch as whole of the material which formed basis of the impugned detention order has not been supplied to the petitioner and that the representation filed by the petitioner against his detention has not been considered well in time.

3) The respondents, in their counter affidavit, have contended that the grounds urged by the petitioner in the petition are legally misconceived and factually untenable being without any merit. It has been contended that the activities of the detainee have been found prejudicial to the security of the state which necessitated his preventive detention. It has been contended that the grounds of detention are precise, proximate and relevant and that there is no vagueness or staleness in the grounds of detention. It has been averred that that whole of the material relied upon by the detaining authority while passing the impugned detention order has been furnished to the detainee and contents of the same were read over and explained to him. It has been further contended that the grounds of detention give complete account of the activities of the detainee which, on the face of it, are highly prejudicial to the security of the UT of J&K. It has been further averred that in the reply

affidavit that all statutory requirements and constitutional guarantees have been fulfilled and complied with by the detaining authority and that the order has been issued validly and legally. The respondents have produced the detention record to lend support to the stand taken in the counter affidavit.

4) I have heard learned counsel for the parties and perused record of the case.

5) The petitioner has challenged the impugned order of detention on several grounds, but, during the course of arguments, learned counsel for the petitioner has laid much emphasis on the following grounds.

(I) That after the release of petitioner on bail in FIR No.185/2019 of Police Station, Baramulla, no fresh activity prejudicial to the security of the State has been imputed against the petitioner. Therefore, there is no proximate and live link between the last activity prejudicial to the security of the State alleged against the petitioner and the date of passing of the impugned order of detention.

(II) That fresh activities in which the petitioner is allegedly shown to have been involved are vague and lacking material particulars and on the basis of these allegations, it was not possible for the petitioner to make an effective and purposeful representation against the order of detention.

(III) That whole of the material, on the basis of which grounds of detention have been formulated, has not been

furnished to the petitioner, which has prevented him from making an effective representation against the order of detention.

6) Since the first two grounds that have been urged by learned counsel for the petitioner are interlinked, as such, the same are being dealt with together. A look at the grounds of detention would reveal that the petitioner was arrested in FIR No.185/2019 for offences under Section 7/25 Arms Act and Section 23, 39 UA(P) Act registered with Police Station, Baramulla, and during investigation of the said FIR, two Chinese UBGL hand grenades were recovered from him. It is recorded in the grounds of detention that presently the petitioner is on bail. The incident which is subject matter of the aforesaid FIR dates back to the year 2019. It is alleged in the grounds of detention that on 14.08.2023, a complaint under Section 170/151 of Cr. P. C was lodged by Police Station, Dangiwachha, against the petitioner, whereafter he was released on personal bond. It is further alleged that another complaint under Section 170/151 of Cr.P.C was lodged by Police Station, Dangiwachha on 30.03.2024, whereafter the petitioner was released on bond. Both these complaints form part of the detention record and copies of the same have been furnished to the petitioner. As per these complaints, the police had received inputs that the petitioner and his associates are indulging in activities which are prejudicial to the security of the state and

they are required to be bound down. It has been alleged in the grounds of detention that at present, according to the reports of the field agencies, the petitioner has developed contacts with terrorists of Lashkar-e-Toiba through encrypted applications and virtual proxy networks to further the terror objectives of destabilizing the security apparatus in Kashmir, particularly in Sopore area. It has been further noted in the grounds of detention that the petitioner is reactivating the terrorist activities in the areas of Rafiabad and Sopore.

7) From the aforesaid allegations made in the grounds of detention, which find support from the complaints filed against the petitioner by the Police on 14.08.2023 and 30.03.2024, it is clear that there was sufficient material before the detaining authority to conclude that even after the grant of bail to the petitioner, he has continued to indulge in activities which are prejudicial to the security of the state. The instances of lodging of complaints against the petitioner under Section 170 and 151 of Cr. P. C are specific in nature and, therefore, the contention of the petitioner that the allegations made against him in the grounds of detention are vague, cannot be accepted nor can it be stated that preventive detention of petitioner is based upon stale incidents.

8) That takes us to the ground regarding supply of material to the petitioner. In this regard, a perusal of the detention record

would reveal that the petitioner has been furnished a total of 38 leaves comprising warrant of detention (01 leaf), notice of detention (01 leaf), grounds of detention (05 leaves), copy of dossier (05 leaves), copies of FIR, statements of witnesses and other relevant material/documents, which include the copies of complaints dated 14.08.2023 and 30.03.2024 (26 leaves). The petitioner has executed a receipt in this regard, which is available in the detention record. Thus, whole of the material forming basis of the grounds of detention has been furnished to the petitioner. The contention of the petitioner in this regard is, therefore, without any substance.

9) For the foregoing reasons, I do not find any ground to interfere with the impugned order of detention. The petition lacks merit and is dismissed accordingly.

10) The detention record be returned to learned counsel for the respondents.

**(Sanjay Dhar)**  
**Judge**

Srinagar

14.08.2026

“Bhat Altaf-Shergatiary”

Whether the **judgment** is reportable: **Yes/No**