

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

Reserved on : 11.02.2026.

Pronounced on : 31.03.2026.

HCP No. 259/2025

**Muneeb Jabar Dar @ Shoga S/o Ab Jabar Dar
R/o Muqam Shaheed Mir, District Baramulla
Kashmir Aged 45 years through his wife Rohee
Begum R/o Muqam Shaheed Mir, District Baramulla
Kashmir Aged 40 years.**

.....Petitioner

Through: Mr. Mohd. Rafiq Bhat, Advocate

Vs

- 1. Union Territory of Jammu and Kashmir through Commissioner
Secretary to Govt., Home Department, Civil Secretariat, Srinagar.**
- 2. Divisional Commissioner, Kashmir, Srinagar.**
- 3. Senior Superintendent of Police, Baramulla.**
- 4. Superintendent District Jail, Udhampur, Jammu.**

..... Respondents

Through: Mr. Furkan Yaqub Sofi, GA

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGEMENT**

01. Heard learned counsel for both sides.

02. Perused the writ petition and the annexures
therewith and also the counter affidavit filed in response.

03. The detention record produced also scanned
thoroughly.

04. The respondent No. 2 – Divisional Commissioner, Kashmir, by virtue of an **Order No. DIVCOM-“K”/121/2025** dated **15.07.2025**, came to order preventive detention of the petitioner under the Prevention of Illicit Traffic in Narcotic Drugs & Psychotropic Substances Act, 1988 (in short **“PIT NDPS Act, 1988”**) against the petitioner thereby ordering his preventive detention on account of his alleged state of activities being found to be within the scope of mischief of PIT NDPS Act, 1988, which led to the arrest and confinement of the petitioner on **17.07.2025** and from said state of custody, the petitioner came forward with the institution of present writ petition on **29.07.2025** acting through his wife Rohee Begum thereby seeking a writ of habeas corpus to earn restoration of his personal liberty.

05. A case for preventive detention of the petitioner was processed and put forth by the Superintendent of Police (SP), Sopore by submitting a dossier accompanying communication **No. Pross/PIT-NDPS/2025/30650** dated **14.06.2025**, in which dossier the petitioner came to be referred as being involved in two criminal cases relatable to **FIR No. 94/2023** under sections 8/20 of NDPS Act, 1985 of the Police Station Dangiwachha and **FIR No. 01/2025** under

sections 8/20 of NDPS Act, 1985 also of the Police Station Dangiwachha.

06. On the basis of the petitioner's involvement in said two criminal cases undergoing trial in which the petitioner is on bail, the petitioner came to be reckoned as a person still clandestinely and discreetly involved in illegal activities related to drugs but not enabling a basis for the police to agitate for seeking cancellation of bail granted in favour of the petitioner and, thus, necessitating his preventive detention.

07. With the dossier so submitted to him, the respondent No. 2 – Divisional Commissioner, Kashmir purportedly formulated the grounds of detention by repeat of the contents of the dossier and, therefore, ordering the petitioner's preventive detention **Order No. DIVCOM-"K"/121/2025** dated **15.07.2025** to be arrested and lodged in the District Jail, Udhampur for a period to be specified by the Govt., which came to be so specified for a period of one year with effect from **17.07.2025** till **16.07.2026** in terms of **Govt. Order No. Home/PB-V/1514 of 2025** dated **05.08.2025** based upon the Advisory Board's opinion report dated **30.07.2025** justifying the petitioner's preventive detention being based on sufficient grounds.

08. The petitioner had come to be taken into custody on **17.07.2025** by ASI Gurjeet Singh, No. 69/KGM, PID No. EXK-981536 of DPL, Sopore who handed over the person of the petitioner to the District Jail, Udhampur.

09. The petitioner purportedly came to be provided with all the documents being notice of detention order and the entire material/relevant documents and also explained to the petitioner in Urdu/Kashmiri language, besides apprising the petitioner about his right to make a representation to the Govt.

10. The petitioner's receipt with respect to delivery of documents as referred in the Execution Report also came to be taken as an exhibit of procedural compliance in which receipt the petitioner is also acknowledging that he has been apprised/informed about his right to make a representation to the Govt. against the detention order.

11. Therefore, there is a clear omission of notice to the petitioner about his right to make a representation against his detention to the detention order making authority which being the respondent No. 2 – Divisional Commissioner, Kashmir and on this singular ground the entire detention related exercise of jurisdiction at the end of the respondent

No. 2 – Divisional Commissioner, Kashmir got instantly punctured by seriously jeopardizing right of the petitioner to make a representation against his detention to the respondent No. 2 – Divisional Commissioner, Kashmir.

12. Therefore, this Court holds the detention of the petitioner as illegal and consequently quashes the detention **Order No. DIVCOM-“K”/121/2025** dated **15.07.2025** read with **Govt. Order No. Home/PB-V/1514 of 2025** dated **05.08.2025**.

13. The petitioner is directed to be restored to his personal liberty by his release from the concerned jail wherever the petitioner is being held up and confined and the Superintendent of the concerned jail to abide by the present direction of this Court by releasing the petitioner forthwith.

14. ***Disposed of.***

15. Detention record to be returned back to the counsel representing the respondents.

(RAHUL BHARTI)
JUDGE

SRINAGAR
31.03.2026
Opinder

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