

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

CrI(A) (D) 36/2023 CrI(M) (1007/2023)

**UNION TERRITORY THROUGH ...Petitioner/Appellant(s)
POLICE STATION KARNAH**

Through: Ms. Maha Majeed, AC vice Mr. Mohsin Qadri, Sr. AAG

Vs.

SHAMAS BEGUM

...Respondent(s)

Through: Mr. Irshad Ahmad, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDE R

08.04.2026

Per Sanjeev Kumar J. (oral):

1. Orders dated 15th September, 2022 and 28th November, 2022, passed by the Court of the Additional Sessions Judge (Designated Special Court under Section 22 of the NIA Act), Baramulla [“the trial court”] in Bail Application No. 32/2022, are the subject matter of challenge in this appeal filed by the Union Territory of J&K through SHO, P/S Karnah, under Section 21(1) of the NIA Act, whereby the trial court has made the interim bail granted to the respondent on 15th September, 2022 absolute.
2. The impugned order dated 28.11.2022, a copy whereof has also not placed on record of the appeal by the appellant, is challenged on the ground that the trial court did not appreciate the preponderance of evidence on record connecting the respondent with the commission of offences under Sections 8/21, 29 of the NDPS Act and Section 3/ 4 Explosive Substance Act, and Sections 13, 18, 23, 39 of the ULA(P) Act. The impugned order is also challenged on the ground that the trial court has not considered the rigors of Section 43(D) of ULA(P) Act and Section 37 of the NDPS Act, which place an embargo on the grant of bail to an accused who is involved in the commission of offences falling under Chapters IV and VI of the ULA(P) Act, as also the offences under the NDPS Act in relation to commercial quantity.

3. Having heard learned counsel for the parties and perused the material on record, we find that the order granting bail to the respondent is legally and factually correct and, therefore, does not call for any interference. The trial court, having gone through the entire evidence on record, has rightly concluded that there is no sufficient incriminating evidence against the respondent to believe that the case set up by the prosecution against the respondent is prima facie true. The court has also taken note of the peripheral role attributed to the respondent in the commission of offences alleged in the FIR. That apart, the interim bail in this case was granted in favour of the respondent on 15th September, 2022, and the same was made absolute by a subsequent order passed by the trial court on 28.11.2022. The respondent, who is a woman, is on bail ever since. There is no complaint or allegation by the prosecution that she has either jumped the bail or, in any manner, tried to influence or tamper with the prosecution witnesses.
4. Having considered all aspects of the matter, particularly the reasons given by the trial court in support of its order, we do not find it a fit case for interference at this stage and withdrawing the concession of bail, more particularly when the respondent is a woman and has not violated any terms and conditions of the bail granted by the trial court.
5. For all the reasons, we do not find any merit in this appeal. The same is, accordingly, **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

08.04.2026

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