

S. No. 12
Regular Cause List

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

Bail App 159/2025
CrIM(1136/2025)

UNION TERRITORY THROUGH POLICE
STATION PAMPORE

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

Through: Mr. Jahingeer A Dar, GA

Vs.

SAHIL MUSHTAQ BHAT AND ANR.

...Respondent(s)

Through: Mr. Zahid Hussain Dar, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
14.09.2026

1. Heard learned counsel for the parties at some length and perused the record.
2. The respondent came to be arrested on 01.09.2023 on the allegation that he was found in possession of a commercial quantity of a manufactured drug, namely, "Cocrex", allegedly kept in his possession unauthorisedly and in contravention of the statutory provisions. This led to the registration of FIR No. 109/2023 for offences under Sections 8/22-29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Pampore.
3. Upon completion of the investigation, the charge-sheet was laid before the competent Court and the trial commenced. During the

pendency of the trial, the respondent, vide order dated 10.04.2025, was admitted to bail by the learned Trial Court. The said order has been assailed by the petitioner—UT of J&K, principally on the ground that the learned Trial Court failed to exercise its jurisdiction in accordance with law. It is contended that, the alleged recovery being of commercial quantity, the learned Trial Court failed to appreciate and apply the rigours of Section 37 of the NDPS Act in their proper perspective.

4. The record reveals that, after filing of the charge-sheet, the respondent had earlier moved an application for grant of bail, which came to be rejected by the learned Trial Court vide order dated 29.08.2024. Thereafter, a fresh application for bail was filed, culminating in the passing of the order dated 10.04.2025, which is the subject matter of challenge in the present proceedings.
5. Learned counsel for the respondent submits that the Trial Court exercised its discretion in favour of the respondent and enlarged him on bail at a stage when all the material witnesses had already been examined. It is further submitted that, subsequent to the release of the respondent on bail, the trial has proceeded further and, as of now, is at the fag end.
6. When confronted with the aforesaid position, learned counsel for the petitioner fairly conceded that the trial has substantially progressed and has reached the stage of culmination. He, however, laid considerable emphasis on the contention that the Trial Court, while

granting bail, failed to duly appreciate the statutory rigours engrafted in Section 37 of the NDPS Act.

7. Having examined the record and considered the rival submissions, this Court finds that the learned Trial Court exercised its discretion to release the respondent on bail after taking into consideration the evidence that had already come on record. The Trial Court noticed that, though the witnesses to the seizure had, by and large, supported the prosecution case, certain contradictions had emerged in their testimonies, which the defence was able to bring forth so as to cast a prima facie doubt upon the prosecution version. It was in this backdrop that the Trial Court arrived at the conclusion that the respondent-accused had succeeded in making out a strong prima facie case for grant of bail.
8. In the facts and circumstances of the case, the discretion so exercised by the learned Trial Court cannot be said to be contrary to the mandate of Section 37 of the NDPS Act. Rather, the impugned order reflects that the Trial Court was conscious of the rigours of Section 37 of the NDPS Act and, upon appreciation of the material available before it, exercised its discretion in accordance with law. This Court, therefore, finds no material or compelling ground warranting interference with the order granting bail to the respondent.
9. There is yet another circumstance which assumes significance. The trial has, admittedly, progressed substantially after the respondent was enlarged on bail and is presently at the stage of culmination. In such circumstances, no useful purpose would be served by

interfering with the order of bail at this stage, particularly when no material has been brought to the notice of this Court warranting such interference.

10. For the foregoing reasons, the application filed by the petitioner—UT of J&K is found to be devoid of merit and is, accordingly, dismissed. The learned Trial Court shall, however, proceed with the matter expeditiously and make every endeavour to conclude the trial at the earliest, in accordance with law.

11. The application stands **dismissed**, along with all connected CrLM(s).

(SANJAY PARIHAR)
JUDGE

Srinagar
14.09.2026
“Imtiyaz”