

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

Bail App 167/2026
CrIM(1655/2026)

JASIR AHMAD KHANDAY TH.HIS WIFE

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

Through: Mr. Manzoor Ul Haq, Advocate

Vs.

UNION TERRITORY OF J AND K TH.S.H.O
P/S KAKAPORA

...Respondent(s)

Through: Mr. Jahingeer A Dar, GA

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
11.09.2026

- 1.** After hearing the counsel for the petitioner for some time, it transpires that the petitioner has approached this Court being aggrieved of the delay in consideration of his application for grant of bail arising out of FIR No. 58/2026, registered for offences under Sections 8/12 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act). The allegation against the petitioner is that 27 grams of brown sugar was recovered from his possession.
- 2.** It appears that, in the bail proceedings before the Trial Court, the requisite police report was initially not filed, which constrained the petitioner to seek initiation of contempt proceedings against the concerned police agency for non-compliance with the directions of the Court. Subsequently, upon filing of the police report, the Public Prosecutor was called upon to file objections to the bail application.

3. Since the objections were not filed within the expected time the counsel for the petitioner appears to have moved yet another application seeking initiation of contempt proceedings, this time against the Public Prosecutor.
4. It further appears that, consequent upon the petitioner seeking initiation of contempt proceedings against him, the Public Prosecutor addressed a communication to the higher authorities expressing his intention to recuse himself from conducting the matter. As a consequence of the aforesaid developments, the petitioner's bail application continues to remain pending before the Trial Court.
5. Learned counsel for the petitioner submits that the Trial Court has failed to effectively regulate and control the proceedings, resulting in prolonged pendency of the bail application while the petitioner continues to remain in custody.
6. Having regard to the submissions made at the Bar, this Court would ordinarily have issued notice to the other side. However, considering the limited nature of the grievance projected in the present petition, no useful purpose would be served by keeping the petition pending or by issuing notice at this stage.
7. Accordingly, the present petition is **disposed of** with a direction to the Trial Court to take up the petitioner's pending bail application with due expedition and ensure that the same is considered and disposed of at the earliest, strictly in accordance with law, uninfluenced by the ancillary proceedings referred to hereinabove.

8. The petition, along with the connected CrLM(s), shall stand disposed of in the above terms. A copy of this order be provided to counsel for the petitioner under the seal and signature of the Bench Secretary of this Court.

(SANJAY PARIHAR)
JUDGE

Srinagar
11.09.2026
“Imtiyaz”

