

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

HCP No. 307/2025

Firdous Ahmad Dar Petitioner(s)

Through: Mr. Musavir Mir, Advocate.
V/s

UT of J&K and Ors. Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Rahul Bharti, Judge

ORDER

10.02.2026

1. The petitioner, acting through his father, came forward with the institution of the present writ petition on 08.10.2025, thereby seeking quashment of preventive detention order slapped upon him by the respondent No. 2-Divisional Commissioner, Kashmir by resorting to power under Section 3 of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988 (hereinafter referred to as PITNDPS Act).
2. The petitioner was, reckoned to be indulgent in objectionable activities falling within scope of mischief of the PITNDPS Act thereby warranting his detention so as to prevent him from continuing with the objectionable state of activities.

3. The respondent No. 2-Divisional Commissioner, Kashmir, by virtue of **Order No. DIVCOM-“K”/18/2025 dated 17.02.2025** thus directed the detention of the petitioner to take place and his confinement in the District Jail, Kathua for a period which obviously is meant to last for one year.
4. The petitioner came to be arrested and detained consequently.
5. The order of detention passed by the respondent No. 2-Divisional Commissioner, Kashmir rested upon the “Grounds of detention” wherein by reference to the petitioner’s antecedents relatable to **FIR No. 36/2024 under Section 8/20 of NDPS Act of Police Station, Sopore.**
6. The case for preventive detention of the petitioner was sponsored by the Senior Superintendent of Police (SSP), Sopore through his **Dossier No. Pros/PIT-MDPS/2025/5753-55 dated 01.02.2025** and it took more than 16 days for the respondent No. 2-Divisional Commissioner, Kashmir to act upon said dossier in passing the detention order.
7. In the dossier also, the petitioner was referred to be having a criminal case attending him in terms of **FIR No. 36/2024 under Section 8/20 of NDPS Act of Police Station, Sopore.**

8. This writ petition was admitted to hearing on **10.10.2025** and post admission notice was waived by the respondents on account of appearance of Government Advocate who came to be afforded time to file counter affidavit along with production of the detention record.
9. In terms of order dated **31.01.2025**, this Court came to afford last and final opportunity for the respondents to file counter affidavit to the writ petition. Despite being granted last and final opportunity, the respondents persisted with the default even for the next date of hearing on **24.12.2025** when four weeks further time was granted to do the needful.
10. It seems that filing of a counter affidavit is not a priority for the respondent No. 2-Divisional Commissioner, Kashmir in a Habeus Corpus Petition and by that default, this Court has to reckon that the respondents and in particular the respondent No. 2 has nothing to defend in terms of challenge posed by the petitioner against the preventive detention.
11. Therefore, this Court is allowing this writ petition by default of the respondents to come up with the counter affidavit to the writ petition along with production of detention record otherwise any adjournment given to the respondents would

render the writ petition infructuous upon expiry of detention period imposed.

12. In view of the above, the Detention **Order No. DIVCOM-“K”/18/2025 dated 17.02.2025** is quashed and consequently Superintendent of the concerned Jail is directed to forthwith release the petitioner upon receipt of certified copy of this order.

(Rahul Bharti)
Judge

SRINAGAR

10.02.2026

Aasif

