

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

CrlA(D) no. 80/2025
CrlM no. 1692/2025

IMRAN AHMAD MIR

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

Through: Mr. M. M. Khan, Advocate
Mr. Abbas Lodhi, Advocate

Vs.

UT of JK and Others

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Maha Majeed, Assisting counsel

CORAM:

HON'BLE Mr. JUSTICE SANJAY DHAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
02.06.2026

1. The appellant, Imran Ahmad Mir, has assailed the order dated 12.12.2024 passed by Special Judge, NIA, Srinagar "the trial court" whereby his application seeking enlargement on bail came to be rejected. The rejection of bail was primarily founded on the premise that the appellant stood accused of offences punishable under Chapters IV and VI of the Unlawful Activities (Prevention) Act, 1967, thereby attracting the rigour of Section 43D (5) of the Act, which places a statutory embargo on the grant of bail where the accusations, upon a prima facie assessment, appear to be true. The prosecution, alleges that the appellant was apprehended in possession of a Glock-19 pistol of Austrian make, one magazine, five live rounds of ammunition and a mobile phone, the analysis of which allegedly led to the identification

of his handler, Ubaidullah, a foreign-trained militant who was subsequently neutralized in an encounter at Mir Masjid, Khanyar, on 02.11.2024. It is further alleged that the appellant was an active participant in a conspiracy aimed at carrying out terrorist attacks against police, CRPF personnel and tourists in the Valley ahead of the Independence Day celebrations of 15.08.2024.

2. The appellant, however, asserts that he has been falsely implicated and that the entire prosecution case is a fabrication. According to him, he had been unlawfully detained by the police on 01.08.2024 and remained in custody till 08.08.2024 without being formally arrested or produced before a competent court. He contends that during this period he was compelled to pay mess charges while lodged in police custody and that the alleged recovery shown to have been effected on 08.08.2024 was subsequently engineered to justify his illegal detention. It is his specific plea that neither any incriminating recovery was made from him nor was he associated in any manner with the co-accused persons. The appellant further alleges that the authorities manipulated records concerning his custody in order to conceal their illegal actions and has, on that basis, sought an independent investigation into the matter.
3. Per contra, the prosecution maintains that the appellant was apprehended on 08.08.2024 along with three other accused persons during a security checking operation undertaken in view of the impending Independence Day celebrations. According to the charge-sheet, arms and ammunition were recovered from the possession of the accused persons and, upon preliminary interrogation, they disclosed their association with terrorist elements affiliated with Lashkar-e-Taiba

and their involvement in a conspiracy to target security forces, non-local residents and tourists with a view to disturbing public order and tranquillity in the Valley. The investigation is stated to have revealed the appellant's links with Ubaidullah, a foreign-trained militant, and the Call Detail Records (CDRs) allegedly establish his active involvement in the commission of the offences under investigation. On the basis of the material collected, offences under Sections 13, 18, 20, 23, 38 and 39 of the UAPA, in addition to Sections 7/25 of the Arms Act, came to be incorporated in the case.

4. In support of his plea of false implication, the appellant has placed reliance upon certain affidavits, a transaction receipt dated 16.08.2024 and a handwritten receipt purportedly issued by Police Station Shargari evidencing payment of mess charges amounting to ₹720/- for the period from 01.08.2024 to 07.08.2024. It is argued that these documents unmistakably demonstrate that he was in police custody during the period preceding the alleged occurrence and, therefore, the prosecution story regarding his interception on the night of 08.08.2024 is inherently improbable. The respondents, however, have vehemently opposed the said contention by submitting that the appellant had earlier invoked the writ jurisdiction of the Court through a habeas corpus petition alleging illegal confinement, which stood dismissed, and that even the Letters Patent Appeal preferred thereagainst met the same fate. According to the prosecution, the plea of false implication is nothing but an afterthought devised to escape the consequences of the grave allegations levelled against him.

5. Having bestowed our anxious consideration to the rival submissions and having perused the material available on record, we find that the appellant stands formally charged with offences under the UAPA and the Arms Act and that the trial has already commenced with examination of certain prosecution witnesses. We have noted that there is no allegation of undue delay in the conduct of the trial and that the principal plank of the appellant's argument rests upon his assertion that he was already in police custody on the date of the alleged occurrence. The documents relied upon by the appellant, including the receipt pertaining to mess charges (photostat copy) constitute matters requiring evidentiary proof and are issues which can only be conclusively adjudicated upon during trial. Significantly, even if the receipt is assumed to be genuine, it only reflects payment of charges up to 07.08.2024, whereas the alleged interception is stated to have occurred at about 11:05 p.m. on 08.08.2024. We have further noticed that the appellant was not apprehended in isolation but was allegedly found in the company of three other accused persons, all of whom were stated to be carrying arms and ammunition.
6. We are of the considered view that the accusations levelled against the appellant are of a grave and serious nature and that the statutory restrictions embodied in Section 43D (5) of the UAPA squarely apply to the facts of the case. At the stage of consideration of bail, we are unable to record a satisfaction that the allegations against the appellant are prima facie untrue. The defence of false implication, in the opinion of the Court, raises disputed questions of fact which can only be determined upon appreciation of evidence during trial. Consequently,

we do not find any infirmity in the order passed by the Trial Court, the appeal therefore is dismissed. Nevertheless, liberty is reserved in favour of the appellant to renew his prayer for bail at an appropriate stage before the trial court, should the evidence adduced during trial create a substantial dent in the prosecution case or lend credence to his plea of false implication.

7. **Disposed of** as such.

SRINAGAR
02.06.2026
“Imtiyaz”

