

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

Bail App No. 266/2025

Rameez Yousuf Dar

...Petitioner(s)

Through: Mr. Prince Hamza, Advocate with
Ms. Urba, Advocate

Vs.

Union Territory of J&K and Anr.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

25.02.2026

- 1.** The petitioner-Rameez Yousuf Dar is one of accused persons who is undergoing trial by reference to FIR No. **18/2022** registered by the Police Station Batamaloo, Srinagar for alleged commission of offences under **Sections 08/21, 29, 27A** of the **Narcotic Drugs and Psychotropic Substances Act, 1985** read with **Sections 468, 471** and **473** of the Indian Penal Code.
- 2.** The criminal case is pending trial before the Court of Special Judge (NDPS Cases), Srinagar.

- 3.** As per learned counsel for the petitioner, the Prosecution side evidence in the case has been led to a large extent as on date when this case is being taken up for consideration.
- 4.** The petitioner had submitted a bail application on **17.09.2024** before the Court of Special Judge (NDPS Cases), Srinagar seeking grant of bail in his favour.
- 5.** Said bail application, in terms of timing of its institution, was filed at a stage when the Prosecution's leading of evidence was perhaps midway.
- 6.** The petitioner's bail application came to suffer dismissal by virtue of a final order dated **06.10.2025** by the Court of Special Judge (NDPS Cases), Srinagar.
- 7.** While rejecting the bail petition of the petitioner, the Court of Special Judge (NDPS Cases), Srinagar has referred itself to the below mentioned case law:-

I. **AIR 2009 SC 382.**

II. **AIR 2001 SC 2023.**

III. **Narcotics Control Bureau Vs. Kashif 2025 (2) Supreme 268.**

IV. State of Maghalaya Vs. Lalrintluanga Sailo and Anr. 2024 (6) Supreme 568.

8. From the aforesaid citations, the learned Special Judge came to draw a line of limitation in the matter of consideration of bail petition in case of such nature observing that a detailed examination and appraisal of the Prosecution's evidence is not permissible.

9. There is no iota of doubt as to the position of law so read by the learned Special Judge, however, **Section 37** of the **Narcotic Drugs and Psychotropic Substances Act, 1985** enjoins upon a criminal court dealing with a criminal case in the matter of dealing with bail application/s to undertake an application of mind for the purpose of arriving at satisfaction about the reasonable grounds for believing that an undertrial in custody is not guilty of such offence and to this extent there is a scope for a criminal court to make a prima facie assessment of the prosecution evidence put up and led.

10. This Court finds no such exercise having been undertaken by the trial court in its order dated **06.10.2025.**

11. This Court is mindful of the fact that order dated **06.10.2025** of the Special Judge (NDPS Cases) Srinagar is not under examination before this Court but once the petitioner has approached this Court with the present bail petition invoking **Section 483** of the **Bharatiya Nagarik Suraksha Sanhita 2023**, this Court is also under an obligation to deal with the plea of the petitioner with respect to grant or denial of bail in his favour but since even the appearance of the respondents in this case has taken place only once and objections to the bail petition are awaited as such by the time the petition would ripen for final adjudication, the trial of the case before the Court below is likely to arrive at its maturity.

12. Therefore, acting on the side of prudence, this Court dismisses the present bail petition with liberty reserved in favour of the petitioner to avail an opportunity of filing fresh bail petition before the Court below which would be in a position to have an overall assessment of the status of prosecution's evidence and quality thereof to formulate a prima facie opinion as to whether the

petitioner is getting incriminated in the case or not for the purpose of maintaining his plea for bail.

13. In case the petitioner submits and applies for bail before the Court below, then an endeavour be made by the trial court to dispose of the bail petition within a period of one month after inviting reply/objections from the Public Prosecutor concerned following the mandate of **Section 27**.

14. Accordingly, the petition stands **disposed of**.

15. Copy of this order be forwarded by the Registrar Judicial, Srinagar to the Special Judge (NDPS Cases), Srinagar.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
25.02.2026
Shabroz