S. No.138

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

(i) Bail App No. 261/2026 c/w

Reena …..Appellant(s)/Petitioner(s)

Through: Mr. Arif Zargar, Advocate &
Mr. Nikhil Kumar, Advocate.

V/s

U.T of J&K ….. Respondent(s)

Through:

(ii) CRM(M) No. 1283/2026

Reena … Appellant(s)/Petitioner(s)

Through: Mr. Arif Zargar, Advocate &
Mr. Nikhil Kumar, Advocate

V/s

U.T of J&K ….. Respondent(s)

Through **:**

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
(02.11.2026)

CRM(M) No. 1283/2026

01. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking quashment of the order dated 30.07.2026, passed by the Court of learned Special Judge (Narcotic Drugs and Psychotropic Substances), Jammu, whereby charges have been framed against the petitioner, inter alia, on the ground that the impugned order amounts to an abuse of the process of law.

02. Briefly stated, the facts giving rise to the present petition are that on 08.10.2025, acting upon prior information, the police of Police Station

Bahu Fort apprehended accused Vishal Kumar near Wave Mall, Narwal, Jammu, while he was riding a Scooty bearing registration No. JK02CP-6203. During his personal search, a transparent polythene bag containing 275 grams of heroin-like substance was allegedly recovered from his possession. Besides, a digital weighing machine was also recovered from the dicky of the Scooty. During the course of investigation, accused Vishal Kumar allegedly disclosed that he had purchased the recovered contraband (chitta) from the petitioner, Reena, for its further sale to prospective customers.

03. It is further alleged that, on the following day, the petitioner was arrested and, during interrogation, allegedly disclosed that she had concealed heroin, cash and a digital weighing machine at her residential house situated at Rajeev Nagar, Narwal, Jammu. Pursuant thereto, after obtaining a search warrant from the competent Court, a search of her residential premises was conducted in the presence of the Executive Magistrate, during which 55 grams of heroin-like substance, cash amounting to Rs. 33,490/- and a digital weighing machine were allegedly recovered from an almirah situated on the second floor of the house.

04. Upon completion of the investigation, the investigating agency presented the charge-sheet against accused Vishal Kumar, the petitioner and five other accused for the commission of offences punishable under Sections 8/21/22/27-A/29 of the NDPS Act and Section 111 of the Bharatiya Nyaya Sanhita, 2023 (BNS). Vide impugned order dated 30.07.2026, the learned Trial Court framed charges against accused Vishal Kumar and the petitioner under Sections 8/21(c)/29 of the NDPS Act, while discharging

them of the offence under Section 27-A of the NDPS Act and Section 111 of the BNS. Accused Sheetal was charged under Section 8/21(b) of the NDPS Act, whereas the remaining accused were discharged. The case is presently at the stage of recording of prosecution evidence.

05. Heard learned counsel for the petitioner and perused the material available on record.

06. Having considered the submissions advanced on behalf of the petitioner and examined the material placed on record, this Court is of the considered view that no ground has been made out warranting interference with the impugned order dated 30.07.2026 in exercise of the inherent jurisdiction vested in this Court under Section 528 of the BNSS. At the stage of framing of charges, the Court is required to ascertain whether the material collected during investigation discloses sufficient grounds for proceeding against the accused, and not to undertake a meticulous appreciation of evidence or determine its probative value as would be permissible at the stage of trial. In the present case, the material collected during investigation, including the alleged recovery of contraband and other incriminating articles, prima facie furnishes sufficient grounds for proceeding against the petitioner. The contentions raised on her behalf essentially pertain to matters requiring appreciation of evidence, which can appropriately be examined during trial. No patent illegality, perversity or abuse of the process of Court has been demonstrated so as to justify interference with the impugned order.

07. In view of the foregoing discussion, this Court finds no merit in the instant petition, which is, accordingly, **dismissed**. It is, however, made clear that any observation made herein shall remain confined to the adjudication of

the present petition and shall not prejudice either party during the course of trial, which shall proceed uninfluenced by such observations.

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1. Heard.
2. Issue notice to the respondent, returnable within three weeks, subject to the petitioner taking requisite steps for service within one week.
3. The instant bail application shall stand segregated from CRM(M) No. 1283/2026 and be listed separately on **02.12.2026**.

(Sanjay Parihar)
Judge

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Jammu
02.11.2026
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