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

Reserved on: 08.10.2026
Pronounced on: 23.10.2026
Uploaded on: 23.10.2026

Whether the operative part or full judgment is pronounced: ***Full***

HCP No.08/2026

JATINDER SINGH ALIAS JEETU

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Wajid Haseeb, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through: - Mr. Younis, Assisting Counsel, vice
Mr. Mohsin Qadiri, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1) Vide Order No. DIV COM-K/162/2025 dated 19.12.2025, issued by respondent No. 2, the petitioner has been detained under Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as the 'PITNDPS Act').

2) Though the petitioner has challenged the order of detention on multiple grounds, the learned counsel for the petitioner has restricted the challenge to the following two grounds:

(a) The grounds of detention are stale in nature as the petitioner was enlarged on bail in FIR No. 139/2021 and FIR No. 28/2024 and there were no fresh and compelling

reasons available with the detaining authority to detain the petitioner in terms of the Act supra; and

(b) That the petitioner was not informed of his right to submit representation to the particular authority in the Government.

3) The respondents have filed their response stating therein that the petitioner was arrested in FIR No. 139/2021 under Section 8/21 NDPS Act of Police Station Awantipora and FIR No. 28/2024 under Section 8/21 and 29 of NDPS Act with Police Station, Tral and taking into consideration the repeated indulgence of the petitioner in the drug trafficking, he was ordered to be detained in terms of the PITNDPS Act. It has been further stated that the petitioner has developed contacts with the drug peddlers operating in the area and he is selling drugs among the youth causing adverse impact on the younger generation. The continuous involvement of the detenue in peddling illicit drugs and evading the ordinary law made it imperative for the detaining authority to detain him under the Act and there are sufficient grounds available for such detention. The live link is still sustaining, as the detenue was still involved in the drug peddling activities and the recent adverse reports lead the Sponsoring Agency to recommend him for the preventive detention under the Act. It is further stated that when the adverse report was received, discreet inquiry with respect to his routine conduct was made and after taking

into consideration the facts and circumstances of the case, the petitioner was ordered to be detained under the PITNDPS Act. The order of detention was executed by the concerned police on 24.12.2025 and the contents of the grounds of detention were read over and explained to the detenue in the language which he fully understood. He was also informed that he has a right to make representation to the Government against the order of detention. The Advisory Board also examined the case of the petitioner and opined in favour of detaining the petitioner. Thereafter, the Government confirmed the order of detention vide order dated 23.01.2026. It is also averred that the representation submitted by the petitioner was considered by the Government and has been found to be without any merit in terms of Communication dated 23.01.2026 and the petitioner was also informed about the disposal of the representation in terms of acknowledgment receipt dated 23.01.2026.

4) Learned counsel for the petitioner submits that the petitioner has been wrongly detained as no illegal activity has been attributed to the petitioner after 2024 and as such, the order of detention is not sustainable in the eyes of law. He has further submitted that the petitioner was not informed of his right to submit representation to the detaining authority and

on this ground alone, order of detention deserves to be quashed.

5) *Per contra*, learned counsel for the respondents submits that the petitioner was directed to be detained in terms of PITNDPS Act on the basis of the material provided by the Sponsoring Authority regarding his repeated indulgence in drug trafficking. He has vehemently argued that there is no force in the submission made by the petitioner that he was not informed of his right to make representation, as the petitioner had submitted the representation, which was duly considered and subsequently rejected.

6) Heard and perused the record.

7) The primary contention raised by the learned counsel for the petitioner is that after FIR No.28/2024 was registered against the petitioner, no illegal activity has been attributed to him. A perusal of the grounds of detention reveals that FIR Nos.139/2021 and 28/2024 have been relied upon by the detaining authority to assert that the petitioner is involved in the activity of drug trafficking. FIR No.28/2024 was registered on 23.03.2024 and the petitioner was granted bail on 15.03.2025. The petitioner was also detained on 04.10.2025 in terms of Section 126 of BNSS whereas the impugned order has been issued on 19.12.2025. In the grounds of detention

prepared by the detaining authority, there is no whisper of such detention of the petitioner which clearly shows that the said factum was not relied upon by the detaining authority for detaining the petitioner.

8) In the grounds of detention, there is merely a reference to the two FIRs mentioned above. Apart from this, there is nothing in the grounds of detention to show that the petitioner indulged in any illegal activity warranting his preventive detention after being enlarged on bail in March 2025. There is delay of approximately nine months in passing the detention order, which has not been explained at all by the detaining authority. The beat report and report of CID (both without dates) are vague, and bald allegations have been levelled against the petitioner. Interestingly, in the screening committee report it is mentioned that *the live link is still sustaining as subject has been repeatedly involved in narcotic cases, with a clear pattern of involvement spanning several years. The record shows distinct instances of his participation in 2021 and 2024.* Thus, while the Screening Committee was satisfied that the activities of 2021 and 2024 provided a live link to detain the petitioner, in the opinion of this Court, stale incidents cannot justify the petitioner's detention in December 2025.

9) The delay in passing the detention order has severed the live and proximate link between the cause of detention and the order itself. This ground alone is sufficient to quash the detention order.

10) In view of the above, the petition is allowed and the impugned detention order is quashed. The respondents are directed to release the petitioner from the preventive custody forthwith, provided he is not required in connection with any other case.

11) The detention record be returned to learned counsel for the respondents.

(Rajnesh Oswal)
Judge

Srinagar,
23.10.2026
"Bhat Altaf-Secretary"

Whether the **judgment** is reportable: **NO**

HIGH COURT
JAMMU & KASHMIR AND LADAKH