Serial No.02
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CrlA(D) 66/2025

1. Sajid Anzer Shah
S/o: Mohammad Anzar Shah
R/o: Lalpora Lolab Kupwara
Through his borther
Muneer Ahmad Shah
S/o: Mohammad Anzar Shah
R/o: Lalpora Lolab Kupwara, Kashmir.

2. Shahid Hussain Rather
S/o: Wali Mohammad Rather
R/o: Khanipora Tangmarg
District Baramulla, Kashmir
Through his father
Wali Mohammad Rather
S/o: Abdul Gaffar Rather
R/o: Khanipora Tangmarg District Baramulla, Kashmir.

...Appellant(s)

Through:
Ms. Asifa Padroo, Advocate

V/s.

Union Territory of J&K through Station House Officer (SHO) Police Station Uri, District Baramulla, Kashmir. **...RESPONDENT(S)**

Through:
Ms. Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER (ORAL)
06.11.2026

01. Impugned in this appeal, filed by the appellants under Section 21 of the National Investigation Agency Act, 2008 ["the Act"], is an order dated 18.07.2025, passed by the Court of Special Judge Designated under the UA(P) Act, Baramulla at Sopore ["the trial Court"], in case FIR No. 63/2021, for offences under Sections

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18 and 23 of the UA(P) Act, Sections 8 and 21 of the NDPS Act and Sections 7/25 of the Arms Act, whereby the trial Court has rejected the bail plea of the appellants, primarily on the ground that the material witnesses are yet to be examined and, therefore, the application for bail is premature.

02. Having heard learned counsel for the parties and persued the material on record, we find that the allegations against the appellants are very heinous. The Investigating Agency, upon search of the vehicle of the appellants, has effected the recovery of two (02) Chinese Pistols, two (02) magazines of Chinese Pistols, ten (10) live rounds of Chinese Pistol, five (05) Grenades, cash amounting to Rs. 3.00 lacs and five (05) packets of contraband apparently (Heroine).

03. The appellants are facing trial for the offences noted hereinabove. It is not in dispute that the rigours of Section 37 of the NDPS Act and Section 43-D(5) of the UA(P) Act are attracted in the present case. It is also not in dispute that, upon consideration of the relevant material produced by the prosecution, the trial Court has framed charges against the appellants for the aforesaid offences.

04. The prosecution has cited as many as fifty (50) witnesses in support of its case, out of whom twelve (12) witnesses have been examined so far and trial Court is proceeding with the trial at the requisite pace.

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05. For the foregoing reasons, we are in agreement with the view taken by the learned trial Court, that it is not a stage for enlarging the appellants to bail, particularly when the material witnesses relating to the recovery of arms, ammunition and contraband substances are yet to be examined.

06. For all the aforesaid reasons, we find no merit in this appeal and the same is, accordingly, **dismissed**. We, however, leave it open to the appellants to approach the trial Court by way of a fresh application for grant of bail upon examination of the material prosecution witnesses.

(MOHD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
06.11.2026
"Mir Arif"

(i) Whether the order is reportable? Yes/No.
(ii) Whether the order is speaking? Yes/No.

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