Serial No. 21
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM (M) No. 959/2026
CrlM No. 2180/2026

Union Territory of Jammu and Kashmir,
Through Station House Officer,
Police Station Bijbehara.

…Petitioner(s)

Through:
Mr Ilyas Nazir Laway, Government Advocate.

V/s.

Mohd. Yunis Dar **...Respondent(s)**

Through:

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
11.11.2026

01. The Petitioner-Union Territory of Jammu & Kashmir, through Station House Officer, Police Station Bijbehara, has questioned the legality of Order dated 30th June, 2026 passed by the learned Special Judge (Designated under NDPS Act), Anantnag [the Trial Court], whereby the interim bail was granted in favour of the Respondent in a case titled **'Mohd. Yunis Dar v. UT of J&K'**, bearing File No.303/B.A., in connection with FIR No. 102/2026 registered at Police Station Bijbehara for the commission of offences punishable under Sections 8/20 of the Narcotic Drugs and Psychotropic Substances Act [NDPS Act].

02. The Respondent has been facing charges before the Trial Court for possessing *Charas* weighing 246 grams, i.e., intermediate quantity.

03. The principal argument against the impugned Order raised by the learned Counsel for the Petitioner is that the Respondent was granted interim bail by the Trial Court till next date; however, despite his absence, the bail order is still continuing. During the intervening period, Non-Bailable Warrants stated to be issued, yet the Respondent continues to enjoy liberty and the learned Trial Court has not passed any order keeping

in view the conduct of the Respondent, including his previous involvement and similar acts of omission and commission.

04. Heard learned Counsel for the Petitioner-UT.

05. There is no denial of the fact that the learned Trial Court is still seized of the matter. Therefore, once it is shown that the Respondent has violated the terms and conditions of the bail, he cannot continue to enjoy the liberty granted by virtue of the Order passed by the Trial Court. In such circumstances, the learned Trial Court was required to pass appropriate orders keeping in view the conduct of the Petitioner.

06. At the same time, the matter is still pending with the Trial Court. Therefore, this Petition is **disposed** of at this stage by providing that the Petitioner-UT shall move an appropriate application before the Trial Court seeking cancellation of bail granted to the Respondent, taking all available grounds, including the conduct of the Respondent. The learned Trial Court shall decide the said application expeditiously in accordance with law, preferably within a period of two weeks from the date of filing of such application. It is further provided that the learned Trial Court shall take into consideration the continuous absence of the Respondent as well as his previous involvement in similar offences, before passing any further orders in the matter.

07. **Disposed** of, along with connected CrlM.

HIGH COURT JAMMU & KASHMIR AND LADAKH

(Shahzad Azeem)
Judge

SRINAGAR:
November 11th, 2026
"TAHIR"

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this
document