S. No.7
Regular list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

HCP/336/2025

MOHAMMAD SHAFI SHEIKH …Petitioner(s)/Appellant(s)

Through: None.

Vs.

UNION TERRITORY OF J AND K AND ORS. …Respondent(s)

Through: Ms. Maha Majeed, Assisting Counsel to
Mr. Mohsin Qadiri, Sr. AAG.

CORAM:HON'BLE MR. JUSTICE RAHUL BHARTI JUDGE

ORDER
05.11.2026

1. Heard Ms. Maha Majeed, learned Assisting Counsel to Mr. Mohsin Qadiri, learned Senior AAG for the respondents. Also perused the detention record.
2. The petitioner, acting through his son, came forward with the present petition filed on 15th December 2025, thereby questioning his preventive detention custody as ordered by the respondent No. 2, the Divisional Commissioner, Kashmir, in exercise of the power and authority vested under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PIT NDPS) Act, 1988.
3. The alleged activities of the petitioner came to be highlighted by the Senior Superintendent of Police, (SSP) Shopian, in his dossier dated 23rd October 2025 showing that the petitioner had criminal antecedents all relatable to alleged acts of commission and

omission involving narcotic drugs and psychotropic substances in violation of the NDPS Act, 1985.

4. The alleged activities which weighed with the sponsoring as well as the detention order making authority, included the petitioner's latest involvement in a criminal case relatable to FIR No. 76/2024 for alleged commission of offences under Sections 8/21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Shopian, wherein a final police report/challan came to be presented before the Court of the learned Principal Sessions Judge, Shopian, wherein the petitioner is facing his trial as a sole accused.

5. The very fact that two criminal cases were already registered against the petitioner, both involving alleged violations of the Narcotic Drugs and Psychotropic Substances Act, 1985, is a pointer to the fact that the petitioner was carrying on with his propensity to defy the law and challenge the law-enforcement agencies and authorities, to the extent of becoming a repeat offender of law, otherwise, the petitioner ought to have remained mindful of the fact that he was on bail in connection with the criminal cases relatable to FIR No. 134/2016 and FIR No. 3/2022 and, thus, should and could not have even conceived of indulging in further commission of offences under the Narcotic Drugs and Psychotropic Substances Act, 1985, as alleged in FIR No. 76/2024.

6. The subjective satisfaction, thus, arrived at by the respondent No. 2 while ordering the preventive detention of the petitioner rests on a valid basis. As such, the preventive detention custody of the petitioner is justified and is not liable to be quashed. Hence, the petition is **dismissed**.

(RAHUL BHARTI)
JUDGE

SRINAGAR
05.11.2026
Hilal Ahmad