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Supplementary

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

CRM(M) 289/2026 CrlM(673/2026

UNION TERRITORY THROUGH POLICE STATION BIJBEHARA
….. Petitioner(s)

Through: Mr. Illyas Laway, GA.

V/s

FAYAZ AHMAD GANIE ….. Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

08.05.2026

1. The petitioner, through the medium of present petition, has challenged order dated 29.12.2025 passed by the Special Judge, NDPS, Anantnag whereby the respondent has been enlarged on bail in a case arising out of FIR No. 217/2025.
2. The main grievance of the petitioner in respect of the impugned order is that the learned Special Judge has not applied its mind while passing the impugned order and that the same has been passed in a mechanical manner without appreciation of the facts.
3. Heard learned counsel for the petitioner and perused the material on record.

4. A perusal of the impugned order would reveal that the learned Special Judge has enlarged the respondent on bail primarily on the ground that the quantity of recovered contraband falls within the parameters of the intermediate quantity and that the charge sheet has already been filed before the trial court.
5. Since bar contained under Section 37 of the NDPS to grant of bail in a case of present nature does not apply, it is entirely within the discretion of the court concerned to grant or refuse the bail. The learned Special Judge has exercised the said discretion by observing that the charge sheet has already been filed meaning thereby that the investigation of the case is complete. The discretion exercised by the learned Special Judge is based upon correct appreciation of the facts and law. The same therefore, does not call for any interference from this Court.
6. In view of the above, I do not find any merit in this petition. The same is dismissed.

(Sanjay Dhar)
Judge

SRINAGAR
08.05.2026
Aasif