

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) 696/2026 CrIM(1583/2026)

UNION TERRITORY THROUGH POLICE ...PETITIONER(S)
STATION MATTAN.

Through:
Mr. Ilyas Nazir Laway, GA.

V/s.

GHHLAM NABI MIR ...RESPONDENT(S)

Through:

CORAM:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER

01.09.2026

01. The respondent was arrested on 06.05.2026 on the allegations that he had cultivated the opium poppy crop on a land measuring 01 marlas. The respondent was granted interim bail in terms of Order dated 29.05.2026 by the Court of learned Special Judge, NDPS, Anantnag, which was subsequently made absolute in terms of order dated 15.06.2026.

02. Mr. Laway, learned counsel appearing for the petitioner, has further submitted that the respondent has committed an offence punishable under Section 18 (c) of the NDPS Act and, as such, the rigours of Section 37 of the NDPS Act were not applicable, but the learned Special Judge, NDPS, Anantnag, while granting bail, has observed that the allegation pertains to limited cultivation and not to recovery of commercial quantity of the contraband. He has further submitted that no reason has been assigned by the learned Special Judge, NDPS, Anantnag, while granting bail.

03. Heard learned counsel for the petitioner and perused the impugned order.

04. The petitioner was arrested on 06.05.2026 and was enlarged on interim bail vide order dated 29.05.2026. There is, however, no whisper that the respondent, after being granted bail, had violated the terms and conditions imposed by the court of learned Special Judge, NDPS, Anantnag, in terms of order dated 29.05.2026.

05. Though the learned Special Judge, NDPS, Anantnag, while making the interim bail absolute in terms of order dated 15.05.2026, has observed that, as per the direction of the Hon'ble Supreme Court in the case titled "*Anna Waman Bahalerao versus State of Maharashtra*", all bail applications are to be decided within two months from the date of institution, at the same time, he has also observed that there is nothing on record to show or suggest that the respondent has violated the bail conditions.

06. Admittedly, the rigours of Section 37 of NDPS were not applicable in the instant case and the bail application ought to have been considered solely taking into consideration the provisions of Section 18(c) of the NDPS Act.

07. Be that as it may, in the peculiar facts and circumstances of the case, this Court does not find any reason to interfere. The present petition is found to be without merit and the same is, accordingly, dismissed.

(RAJNESH OSWAL)
JUDGE

SRINAGAR:

01.09.2026

Junaid