

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

Reserved on: 10.09.2026
Pronounced on: 18.09.2026
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Whether the operative part or
full judgment is pronounced: Full

HCP 309/2025

FIRDOUS AHMAD MIR ...Petitioner(s)
Through: Mr. Zahid Hussain Dar, Adv.

V/s

UNION TERRITORY OF J AND K (HOME) AND ORS

Respondent(s)

Through: Ms. Raheela Khan, AC

Coram: Hon'ble Mr. Justice Rajnesh Oswal, Judge

JUDGMENT

1. The petitioner has been detained in terms of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988 (hereafter referred to as 'PITNDPS Act') by virtue of order dated 26.09.2025.
2. Aggrieved by the order dated 26.09.2025, the petitioner has impugned the same on the following grounds:
 - i) That the detention order was passed on vague and conjectural grounds, clearly demonstrating total non-application of mind on the part of the detaining authority.

- ii) That the petitioner was not even informed as to authority to whom the representation was to be made, thus has been deprived of his right to make purposeful representation against the order of detention.
 - iii) That the grounds of detention reproduce word-for-word the contents of the dossier submitted by the concerned authority- SSP Awantipora.
 - iv) That the detaining authority has not recorded its satisfaction as to how the normal law of land has failed to deter the petitioner from indulging in the illegal activities.
 - v) That the petitioner has neither been heard by the Advisory Board nor through his counsel.
 - vi) That the grounds of detention are couched in hyper-technical English language which the petitioner could not understand. Further, the entire material relied upon by the detaining authority has not been furnished to the petitioner.
3. The respondents have filed response stating therein that the petitioner was involved in multiple FIRs i.e. FIR No 150/2014 under Section 8/20 of NDPS Act, FIR No. 35/2017 under Section 8/21 of the NDPS Act and FIR No. 98/2020 under section 8/20 of NDPS Act, all

registered with Police Station, Pampore. The petitioner was earlier detained in terms of order dated 23.12.2020 and even after expiry of detention period on 27.12.2021, the petitioner did not desist from criminal activities and again started indulging in illicit drug trafficking. The continued indulgence in illicit trafficking of contraband is evident from the arrest of the petitioner on 21.05.2025 by Police Station, Pampore in FIR No. 57/2025 under Section 8/21 and 29 of the NDPS Act, when 2.2 grams of heroin was recovered from his possession. The petitioner was granted bail by the competent court with a condition that he would refrain from indulging in such activities while being out during period of bail. However, the petitioner has surreptitiously persisted in his unlawful activities, which cannot be effectively checked through an application for cancellation of bail, thereby rendering his preventive detention imperative. Accordingly in terms of order dated 26.09.2025, the petitioner was ordered to be detained in terms of PITNDPS Act. The order of detention was executed by the concerned Police on 27.09.2025 and the contents of the grounds of detention were read over and explained in the language which he fully understood. He was also informed of his right to submit

representation to the Government against the order of detention and all the relevant material pertaining to the case was provided to the petitioner against proper receipt. The Advisory Board also examined the instant case and opined in favour of detaining the petitioner and accordingly, in terms of Government Order dated 06.11.2025, the detention of the petitioner was confirmed.

4. Learned counsel for the petitioner has submitted that the petitioner was undergoing de-addiction treatment, but the respondent did not bother to take the same into consideration while issuing the order of detention. He has further submitted that the detaining authority has not mentioned in the grounds of detention that normal law of land has miserably failed in its purpose to deter the petitioner from indulging in similar activities. Besides, he also submits that there is complete non-application of the mind on the part of the detaining authority.
5. *Per contra*, Ms. Raheela Khan, learned Assisting Counsel submits that the grounds of detention were read over to the petitioner in the language understood by him and the material relied by the detaining authority was also provided to the detainee. The

petitioner, in token thereof, signed the execution report/receipt. She further submits that all the constitutional as well as procedural safeguards were meticulously followed while issuing and executing order of detention.

6. Heard and perused the record.
7. The first ground raised by the petitioner is that the order impugned has been passed on the imaginary and vague grounds which clearly demonstrate non-application of the mind on the part of the detaining authority. A perusal of the record reveals that the dossier was submitted by the Sponsoring Agency to the Divisional Commissioner, Kashmir narrating the antecedents of the petitioner including his involvement in four FIRs i.e., FIR No 150/2014 under Section 8/20 of NDPS Act, FIR No. 35/2017 under Section 8/21 of the NDPS Act, FIR No. 98/2020 under section 8/20 of NDPS Act and FIR No. 57/2025 under Section 8/21 and 29 of the NDPS Act, all registered with Police Station, Pampore. It is also mentioned in the dossier that the petitioner was earlier detained under PITNDPS Act vide order dated 23.12.2020 and after the expiry of the period of detention, he was released on 27.12.2021. The said dossier was taken note of by the Divisional

Commissioner, Kashmir and in the grounds of detention, he has mentioned that if the petitioner is allowed to roam freely, it would be detrimental to the social order, public health, safety of children and women as the petitioner has been supplying drugs to vulnerable youth. In the grounds of detention, allegations against the petitioner have been scrutinized by the respondent No. 2 and only thereafter the order of detention has been issued. Further, respondent No.2 has also observed that even after release, the petitioner has clandestinely and discreetly continued with these activities, in order to avoid the rigor of law. Accordingly, this Court is of the considered view that there is no force in this contention raised by the petitioner, the same is rejected.

8. The second ground raised by the petitioner is that the petitioner was deprived of his fundamental right to make an effective and meaningful representation against the detention order, as he was not even informed of the competent authority to whom such representation was to be addressed. The execution report of the detention order reveals that the same was executed on 27.09.2025 and the petitioner was informed of his right to make representation to the

Government as well as to the Detaining Authority. The petitioner also signed the same and as such, this ground is also without any merit and the same is accordingly rejected.

9. Thirdly, it was contended that the grounds of detention are a verbatim reproduction of the police dossier prepared by the SSP, Awantipora, demonstrating a total non-application of mind. This Court has compared the grounds of detention viz-a-viz the dossier prepared by the SSP concerned and finds that there is no similarity between the two and as such, it cannot be said that the grounds of detention are verbatim reproduction of the dossier submitted by the SSP. This ground is also without any merit and the same is accordingly rejected.
10. Fourthly, learned counsel argued that the detaining authority failed to address how the ordinary law of the land proved ineffective in curbing the petitioner's unlawful acts. A perusal of the grounds of detention reveals that the detaining authority duly noted the petitioner's involvement in multiple cases under the NDPS Act notwithstanding the grant of bail, reflecting a complete lack of remorse. The expiry of his previous detention pursuant to the order dated 23.12.2020

further demonstrates and also repeated indulgence in similar types of offences demonstrate that the ordinary statutory measures have proved inadequate. Respondent No.2 has also observed that even after release, the petitioner has clandestinely and discreetly continued with these activities, in order to avoid the rigor of law. Thus, this contention also is of no avail to the petitioner and is accordingly rejected.

11. The fifth ground raised by the petitioner is that he was afforded no hearing by the Advisory Board, whether in person or through counsel. It needs to be noted that despite being made aware of his right to make representation, the petitioner never chose to submit any representation and perusal of the record reveals that the Advisory Board considered the material on record and in terms of opinion dated 27.10.2025, opined in favour of detaining the petitioner. This ground also cannot come to the rescue of the petitioner being bereft of merit.
12. Lastly, it was contended that the grounds of detention are couched in hyper technical English language which the petitioner could not understand and whole of the material relied by the detaining authority has not been provided to him. As already mentioned above, the order

of detention was executed on 27.09.2025. The receipt acknowledging the grounds of detention, along with the execution report of the warrant, forms part of the record produced by the respondents. In the execution report, it is stated that copy of detention warrant, grounds of detention, notice of detention, dossier and other relevant record comprising of 91 leaves were provided to the petitioner. The contents of the detention warrant and the grounds of detention were read over to him in English and explained to him in Urdu/Kashmiri languages which he fully understood and in token thereof, he signed the same. Accordingly, there is no force in this ground as well.

13. In view of the above this Court finds no reason to show indulgence. The petition lacks merit and is dismissed accordingly.

14. The detention record be returned to the learned counsel for the respondents.

(Rajnish Oswal)
Judge

SRINAGAR

19.09.2026

Aasif

Whether the judgment is speaking: Yes

Whether judgment is reportable: No