Serial No. 08

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRM(M) No. 1168/2026

UT of J&K .....Appellant(s)/Petitioner(s)

Through: Ms Pallavi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG

vs

Bachitter Singh ..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
12.10.2026

01. The petitioner has invoked the extraordinary jurisdiction of this Court under Section 483(3) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita (in short, "***the BNSS***"), seeking quashing/cancellation of bail granted to the respondents by the learned Special Judge (NDPS Cases) Jammu (*hereinafter referred to as,* ***"the trial Court"***) in Bail App No. IA/2/2023 titled, "***Bachitter Singh Vs. UT of J&K***" arising out of FIR No. 03/2022 of Police Station, ANTF Jammu for commission of offences punishable under Sections 8/15/29 NDPS Act.

02. The main ground for seeking indulgence of this Court is that, despite being apprised of the antecedents of the respondent, who have previously also indulged in similar activities and who have suppressed this fact, the trial Court granted an

interim bail to the respondents vide order dated 31.01.2025 and further posted the matter for hearing on 21.02.2025.

03. The further submission of the petitioner is that while granting interim bail, the trial Court did not take into consideration the mandatory provision of Section 37 of the NDPS Act and also misapplied the judgment passed by the Hon'ble Supreme Court in Tofan Singh Vs. State of Tamil Nadi (2021) 4 SCC 1.

04. Admittedly, the respondent herein was admitted to interim bail and the matter is still pending on the docket of the trial Court. Therefore, the petitioner is required to first exhaust the remedy before the trial Court, which has granted the interim bail in favour of the respondent instead of invoking the extraordinary remedy under Section 483(3) read with Section 528 of the BNSS.

05. Confronted with the above given facts and circumstances, learned counsel for the petitioner seeks liberty to approach the trial Court so as to avail the remedy as provide under law.

06. In view of above, the instant petition is disposed of at this stage with liberty as prayed for and in case, any such application is filed before the trial Court, the trial Court shall consider all the factual and legal please raised by the

petitioner before passing a final order strictly in accordance with law.

07. Disposed of along with connected CrlM.

(Shahzad Azeem)
Judge

Jammu
12.10.2026Tarun/PS

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Tarun Kumar Gupta
2026.10.13 13.16
I attest to the accuracy and
integrity of this document