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Bail App 16/2025

BEFORE THE HON'BLE HIGH COURT OF J&K AND LADAKH AT JAMMU

(Application seeking Anticipatory bail under sec 482 of BNSS. The subject matter pertains to Distt. Jammu)

Bail App 16/2025

In the case of:-

Mohammad Ashraf Dar

...Petitioner/Applicant

Versus

U.T. Of Jammu and Kashmir through P/S Anti Narcotic Task Force

...Respondent/Non-Applicant

In the matter of:

MEMO OF PARTIES

Mohammad Ashraf Dar

S/O:- Ab Rasheed Dar

R/O:- Okay, Tehsil & Distt Kulgam

...Petitioner/Applicant

Versus

1. U.T. Of Jammu and Kashmir through
S.H.O P/S Anti Narcotic Task Force Jammu

2. Amandeep Singh Age 45 years Ho S. Jagdev Singh
R/O H-No. 62 Sector 22, Channi Himmat, Jammu (J&K)
... Respondent/Non-Applicant

- Name of A.No. 2 assayed on terms of order dated 15.04.2025.

Submitted

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[Signature]
Assistant Registrar
High Court of J&K and Ladakh
Jammu

31-1-26



2026:JKLHC-JMU:106

**HIGH COURT OF JAMMU AND KASHMIR AND LADAKH
AT JAMMU**

Bail App No. 16/2025

**Reserved on 26.12.2025
Pronounced on 31.01.2026
Updated on 31.01.2026**

Whether the operative part or full
judgment is pronounced: Full

Mohammad Ashraf Dar

.....Appellant(s)/Petitioner(s)

Through: Mr. Asif Wani, Adv.
(through virtual mode)

Vs

..... Respondent(s)

U. T. of J&K and another

Through: Mr. Pawan Dev Singh, Dy.AG for No. 1
Mr. Aseem Sawhney, Sr. Adv. with
Ms. Khushboo Sharma, Adv. for No. 2

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. Through the medium of instant application, the petitioner is seeking bail in anticipation of arrest in FIR No. 13/2023 dated 11.10.2023 registered with Police Station, Anti Narcotic Task Force(ANTF), Jammu under sections 8, 15, 25 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, 420, 465, 468, 471, 120-B IPC and 52, 182A(4) MV Act.
2. The brief facts of the case are that on 11.10.2023, Police Station, ANTF Jammu apprehended a vehicle (mini oil tanker) carrying Poppy Straw weighing 445 Kilograms, driven by one Jagjeet Singh, R/o Tehsil Phillaur, District Jalandhar, Punjab. The accused was arrested and disclosed the names of other persons including Nadeem Ahmad Sofi, resident of Anantnag

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Kashmir, Mohammad Yaqoob Bhat from Shopian and Jaswinder Singh from Punjab. Accused Nadeem Ahmad Sofi also disclosed the names of three persons including the petitioner herein to be part of the drug trafficking racket and pursuant to his disclosure, the petitioner is being sought to be connected with FIR No. 13/2023 (supra).

3. It is contended that there is absolutely no material with respondent No. 1 to connect the petitioner with the FIR under reference and the sole basis for connecting the petitioner with the FIR is a bank transaction reflecting transfer of an amount of ₹1.00 lac from the account of accused Nadeem Ahmad Sofi to the account of petitioner. It is stated by the petitioner that said transaction was made around 36 days before the registration of the FIR in connection with sale of the vehicle bearing registration No. JK18C 6493 on 09.08.2023. The sale agreement executed between the petitioner and Mohammad Yaqoob Bhat substantiates the said transaction. It is stated that pursuant to the disclosure made by Nadeem Ahmad Sofi, the petitioner was summoned by the then Investigating Officer-Amandeep Singh. The petitioner, being a law-abiding citizen, immediately joined the investigation and on the directions of Investigating Officer-Amandeep Singh, submitted himself to the Investigating Officer at Chenani on Batote Doda highway on 23.06.2024 and thereafter at Ghat No. 23 Makai Park Boulevard Road, Srinagar on 06.07.2024. The petitioner got disturbed, when the Investigating Officer demanded a huge amount of money and threatened him with longer incarceration in jail in case of failure to meet the demand. Threats were also extended through Nisar Ahmad Bhat and Mohammad Afzal Bhat, both residents of Marhama Anantnag, Kashmir. The petitioner claims to have

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disposed of some of his valuables including his Alto Car, ornaments of his sister and one cow, to meet the demand of Investigating Officer Amandeep Singh. He paid an amount of Rs. 8.00 lacs to the above-named persons, sent by the Investigating Officer. The said persons, however, tried to extort more money from the petitioner leaving him with no option but to approach Police Station, Qazigund, Kashmir with a complaint against the Investigating Officer and two others acting on his behalf. The Police Station, Qazigund registered FIR against all three persons including Investigating Officer, Amandeep Singh and recovered the amount of Rs. 8.00 lacs from them. The Investigating Officer was later admitted to anticipatory bail by the Srinagar Wing of this Court vide order dated 07.08.2024 read with order dated 11.09.2024.

4. It is stated by the petitioner that except the alleged false disclosure made by the accused-Nadeem Ahmad Sofi, there is no other proof to connect the petitioner with the commission of offence and further the arrest of the petitioner will bring him under the absolute control of the Investigating Officer, who is bent upon taking revenge, after the petitioner exposed him for illegally demanding and extorting money. In such a situation, there is every likelihood that the investigation of FIR No. 186/2024 registered with Police Station Qazigund may get hampered. It is also urged that the said Amandeep Singh Investigating Officer had hired a separate lawyer to oppose the motion made by the petitioner before the Special Judge (NDPS Cases), Jammu seeking anticipatory bail, which clearly shows the ulterior motive of the said Investigating Officer to get the petitioner arrested. It is also contended that one accused Imtiaz Ahmad Teli, who was sought to be

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connected with the FIR on the strength of a bank transaction and phone connection with another accused from Punjab has already been exonerated by the respondents for having transacted with the accused in good faith and the bank transaction to the tune of ₹1.00 lac with Nadeem Ahmed Sofi, being the only explanation available with the Investigating Agency to connect the petitioner with the allegations contained in the police report cannot sustain in view of duly executed agreement entered into between the petitioner and another accused, on whose behalf Nadeem Ahmad Sofi transferred the said amount to the petitioner some 36 days before the registration of the present FIR.

5. Respondent No. 1 has filed the response stating therein that the petitioner has been found involved in commission of offence of illegal trafficking of Poppy Straw measuring 445 Kilograms recovered from the possession of co-accused, as such, the pre-arrest bail sought by the petitioner needs to be rejected and the investigating agency needs to be given free hand to interrogate the petitioner to trace the backward and forward linkages and also for identifying the illegally acquired property with the proceeds of the unlawfully transported contraband. It is further stated that 445 kilograms of Poppy Straw was seized/recovered from mini oil tanker bearing registration No. UP16DT1460 driven by Jagjit Singh S/o. Balbir Sing R/o Sangowal, Punjab, who was found to be part of the bigger nexus, in which petitioner has been found to be actively involved. During investigation, accused Jagjit Singh revealed the names of Mohd. Yaqoob Bhat S/o Mohd. Abdullah Beigh R/o Keegam A/P Hergan Shopian and Nadeem Ahmed Sofi S/o Gull Mohd. Sofi R/o Marhama, Bijbehara Anantnag as smugglers/suppliers, who have

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indulged in smuggling of seized Poppy Straw from Kashmir to Punjab, to be handed over to Jaswinder Singh S/o Surat Singh R/o Village Jhande Kllian Mansa, Punjab, receiver of seized narcotic consignment in the instant case. It is further stated that during investigation, the vehicle Mini Oil Tanker bearing registration No. UP16DT 1460 seized in the instant case was verified through the concerned RTO UP, Noida and it came to the fore that the said vehicle was registered in the name of Jagveer S/o. Kripal Singh R/o Village Rohi, Goutam Buddha Nagar UP and is a goods carrier with open body having chasis No. MAT455042F8J21901 and engine No. 497SP67JUY630499 colour G-Brown and as per mechanical inspection conducted by the RTO Office Jammu, engine number is 497SPTC39JYY645931 and as per Vahan Portal, the said vehicle is SFC 407 TATA Truck having registration No. JK06 4461 having original chasis No. MAT455026B8J38391 registered in the name of Maturi Begum W/o. Abdul Majeed Lone R/o. Baja Charala Tehsil Thathri District Doda. She, in her statement, has stated that the said vehicle has already been sold by her. Further it was found that the vehicle was sold multiple times i.e. from one person to another and Nadeem Ahmed Sofi was the last person who purchased the vehicle SFC 407 TATA Truck having registration No. JK06 4461 and the said vehicle was later on altered and was converted into a Mini Oil Tanker with a cavity made under the oil container for concealing/smuggling and transportation of narcotic substances from Kashmir to Punjab. The chasis number was also erased and tampered. JK06 4461 number plate was also changed/replaced with No. UP16DT 1460 and a forged registration certificate of the vehicle was prepared to dodge the

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agencies to avoid the risk of being caught. Hence offences under sections 420, 465, 468, 471, 120-B IPC and 52 and 182-A (4) MV Act were also established in the said case. After the completion of the investigation, the preliminary charge-sheet was presented against Driver Jagjit Singh in the court of Principal Sessions Judge, Jammu on 04.04.2024.

6. During further investigation, on 17.05.2024, accused Nadeem Ahmed Sofi S/o Gull Mohd. Sofi R/o. Marhama Bijbehera Anantnag was arrested, who revealed the names of three more persons as his co-partners, namely, Mohd. Yaqoob Bhat of Wachii, Shopian, Bilal Ahmed Bhat and Mohd. Ashraf Dar, petitioner herein both of Okey Kulgam, who were also involved in the commission of crime. They all with common criminal intention hatched conspiracy to smuggle 445 kilograms of seized Poppy Straw from Kashmir Valley to Punjab. On analysis of CDRs, it came to fore that all the above-mentioned persons were interconnected with each other frequently during the commission of crime and on analysis of bank account statements of all the above said persons, it came to fore that ₹50,000/- has been credited into the personal account No 078301010000022 of Mohd. Yaqoob Bhat from account No. 0487020100000328 of Rehan Garments on 19.08.2023 and ₹1.00 lac has been credited into the personal account of Mohd. Ashraf Dar, petitioner herein from the account of Rehaan Garments on 05.09.2023 by Nadeem Ahmed Sofi, as a part of their share which was credited into his account from Punjab, as an advance money for smuggling of illegal consignment by accused Jaswinder Singh through online transaction. Hence, offences under sections 8, 15 and 29 of the NDPS Act were established against both the accused. Notices under sections 67 of the NDPS Act were

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sent to Mohd. Yaqoob Bhat and Mohd. Ashraf Dar repeatedly but they deliberately avoided their presence and evaded their arrest. As such, arrest warrant under section 25 of the Police Act from City Judge, JMJC Jammu was obtained against Mohd. Yaqoob Bhat and Mohd. Ashraf Dar, petitioner herein. Further, on 13.07.2024, Mohd. Yaqoob Bhat S/o Ghulam Ahmed Bhat R/o Wacchi, Shopian was arrested from Udampur. The supplementary charge-sheet No. 01 was presented against other co-accused namely, Nadeem Ahmed Sofi and Mohd. Yaqoob Bhat in Special NDPS Court Jammu on 30.12.2024. The supplementary investigation was kept open and continued as further investigation under section 173(8) Cr.P.C. The supplementary charge sheet shall be produced in the court of law after the arrest of absconding accused persons, namely, Mohd. Yaqoob Beigh, Mohd Ashraf Dar, petitioner herein and Jaswinder Singh.

7. It is also stated that during investigation, the then Investigating Officer Amandeep Singh received notice under section 35(3) BNSS sent through wireless from SHO, Police Station, Qazigund to Police Station, ANTF, Jammu. In this regard, the then Investigating Officer was relieved vide GDR No. 6 dated 25.07.2024 to appear before the SHO Police Station, Qazigund and the investigation in FIR No. 13/2023 was entrusted to Inspector Annayat Ali for further investigation of the case.
8. In the status report, it is stated that the FIR No. 186/2024 of Police Station Qazigund is under investigation and the same has been registered at the behest of Mohd. Ashraf Dar, petitioner herein just to downplay the investigation in the present case (FIR No. 13/2023), whereas on the basis of cogent evidence, the petitioner was summoned, but he has been avoiding his

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- arrest and not cooperating with the Investigating Agency. As per section 37 of the NDPS Act, there is no scope for bail when the accused is involved in smuggling of commercial quantity of Poppy Straw.
9. Respondent No. 2, earlier Investigating Officer, Amandeep Singh in the FIR No. 13/2023(supra), was arrayed as respondent vide order dated 15.04.2025, has also filed the response and opposed the present bail application.
10. Mr. Asif Wani, learned counsel for the petitioner has vehemently argued that there is absolutely no evidence to connect the petitioner with the commission of crime. He has stated that the sole basis made by respondent No. 1 to implicate the petitioner in the commission of crime is the bank transaction of ₹1.00 lac, which Nadeem Ahmed Sofi transferred on account of sale agreement entered into between the petitioner and Mohd. Yaqoob Bhat with regard to sale of vehicle bearing registration No. JK18C 6493 on 09.08.2023. He has further submitted that the petitioner has been implicated as accused by respondent No. 2 only to extract the money, which is duly substantiated by FIR No. 186/2024 registered with Police Station, Qazigund. He has placed much reliance upon the Police Report submitted in FIR No. 186/2024. He has further relied upon the judgment of the Delhi High Court in case, titled, **Rahish Nadiar Ali Shah vs. Narcotics Control Bureau**, decided on 08.07.2025 and **Joy Mitra v. Narcotics Control Bureau, 2025 SCC OnLine Del 3016**.
11. *Per contra*, Mr. Pawan Dev Singh, learned Dy.AG representing respondent No. 1 has vehemently argued that the petitioner is a part of a drug syndicate involved in illegal trafficking of drugs and narcotics and there is cogent evidence in respect of transfer of ₹1.00 lac from the account of co-accused,

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namely, Nadeem Ahmed Sofi and further that the agreement relied upon by the petitioner has been executed between him and Mohd. Yaqoob Bhat and the amount has not been transferred by Mohd Yaqoob Bhat in the account of the petitioner in respect of a sale of a vehicle. Rather this amount was transferred by Nadeem Ahmed Sofi as a share of the advance money received by him for smuggling of 445 kilograms of Poppy Straw from Kashmir to Punjab. He has further submitted that the investigation is being conducted by the new Investigating Officer, Inspector Annayat Ali and as such, any apprehension of false implication of the petitioner is misconceived and meaningless. He has further submitted that assuming the allegations against the Investigating Officer, Amandeep Singh, respondent No. 2 herein in respect of demand of money are true, still even before the alleged demand was made by Amandeep and his associates, there was ample evidence on record against the petitioner.

12. Mr. Aseem Sawhney, learned Senior Counsel appearing for respondent No. 2 has submitted that huge quantity of contraband is involved and rigors of section 37 of the NDPS Act are applicable in the instant case, therefore, the petitioner is not entitled to even regular bail what to say of bail in anticipation of arrest. He has also relied upon the order dated 07.07.2025 of the Apex Court in Special Leave to Appeal (Civil) No. 9540/2025, titled, **Dinesh Chander v State of Haryana** to assert that anticipatory bail cannot be granted in NDPS cases.
13. Heard and perused the record including the CD file.

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14. Before the Court proceeds further, it is pertinent to observe that Section 37 of the NDPS Act is applicable in the instant case, as the quantity of contraband recovered falls within the category of commercial quantity.
15. According to the prosecution, the petitioner is linked to a drug syndicate comprising Nadeem Ahmad Sofi and Mohd Yaqoob Bhat. The petitioner does not dispute the receipt of ₹1.00 lac from Sofi; however, he projects a defense that the amount was a legitimate payment for the sale of a vehicle to Mohd Yaqoob Bhat, despite the funds being transferred from Sofi's account instead of Bhat's.
16. Admittedly, Nadeem Ahmed Sofi was not a party to the sale agreement dated 09.08.2023. Whether the sum was transferred by Nadeem Ahmed Sofi to the petitioner at the behest of Mohd. Yaqoob Bhat remains a matter for investigation and trial. However, at this stage, given that Nadeem Ahmed Sofi (who transferred ₹1.00 lac) is an arrayed accused and the funds did not originate from Mohd. Yaqoob Bhat, the balance of probability tilts in favour of the prosecution's theory that the money constituted advance payment received by Sofi from contraband receivers in Punjab. Notably, the purported vehicle purchaser is also a co-accused.
17. The Case Diary (CD) reveals that on 18.05.2024, Nadeem Ahmed Sofi disclosed the conspiracy, implicating both Mohd. Yaqoob Bhat and the petitioner, Mohd. Ashraf Dar. Following Mohd. Yaqoob Bhat's arrest on 13.07.2024, Charge-sheet No. 1 was filed on 30.12.2024.
18. Insofar as the petitioner is concerned, notices under Section 67 of the NDPS Act were served through SHO P/S Kulgam for his appearance on 08.06.2024 and 10.07.2024. The Case Diary entries dated 30.05.2024 and 29.06.2024

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substantiate these facts. Upon the petitioner's failure to appear, warrants were obtained from the City Judge (JMJC), Jammu, on 11.07.2024 under Section 25 of the Police Act.

19. Consequently, as on 18.05.2024, the Investigating Officer was in possession of sufficient material to link the petitioner to drug trafficking activities. The petitioner, however, has sought to raise a defense alleging that the then- Investigating Officer (Respondent No. 2) had made demand for money. In relation to this, FIR No. 186/2024 was registered at Police Station Qazigund under Sections 61(2) and 308(7) of the BNS.
20. As per the Police Report in that matter, a sum of ₹8.00 lacs was recovered from Mohd. Afzal and Nissar Ahmed Sofi and their interrogation reportedly established the allegations against Respondent No. 2, Amandeep Singh. Notably, FIR No. 186/2024 was registered on 09.07.2024. In the status report pertaining to said FIR, the petitioner has admitted receipt of a notice from ANTF Jammu (served through P/S Kulgam), directing his appearance. This confirms that the petitioner was aware of the proceedings against him prior to raising the allegations against the officer.
21. The petitioner's contention that Respondent No. 2 demanded a bribe for his exoneration, relates to an alleged act occurring subsequent to 18.05.2024, the date on which the petitioner's involvement in the drug trafficking syndicate first surfaced. While the allegations against Respondent No. 2 are subject to the outcome of the investigation in FIR No. 186/2024, they do not, at this stage, negate the petitioner's status as a co-accused in FIR No. 13/2023.

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22. It remains an independent fact that the petitioner is implicated in grave offenses under Sections 8, 15, 25, and 29 of the NDPS Act, in addition to charges of forgery and conspiracy under the IPC and violations of the Motor Vehicles Act. Therefore, the investigation into the conduct of the Investigating Officer does not automatically wash away the material against the petitioner.
23. The petitioner cannot claim the benefit of the FIR registered against the previous Investigating Officer to seek anticipatory bail in the present case. The allegations in FIR No. 13/2023 are of a grave nature, involving the smuggling of 445 kilograms of Poppy Straw from the UT of Jammu & Kashmir to Punjab, alongside the use of a vehicle with a tampered number plate.
24. Furthermore, a documented money trail exists, which necessitates a thorough investigation. At this stage, it cannot be held that the allegations against the petitioner are false, frivolous, or that no offense is made out. While the petitioner acknowledges receiving ₹1.00 lac from co-accused Nadeem Ahmed Sofi, his defense regarding a 'sale agreement' is a matter for trial, especially since the purported purchaser is also an accused in the same conspiracy.
25. Given that the contraband recovered is of commercial quantity, the rigors of Section 37 of the NDPS Act are fully attracted. This Court finds no reasonable grounds to believe that the petitioner is not guilty of the offences under the NDPS Act. Consequently, the plea for anticipatory bail is devoid of merit.

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26. The legal precedents relied upon by the petitioner are distinguishable on both facts as well as in law. The judgment in **Rahish Nadiar Ali Shah's** case (supra) is inapplicable to the present case, as the said matter pertained to an application for regular bail after he remained in custody for two years and 10 months, whereas the petitioner herein has sought anticipatory bail.
27. Similarly, the decision of the Delhi High Court in **Joy Mitra vs. Narcotics Control Bureau** does not aid the petitioner. In that case, the prosecution had failed to place on record any material, such as financial trails or electronic communications, to link the applicants to the recovery. Conversely, in the instant case, a clear financial link has been established through the transfer of ₹1.00 lac from a co-accused to the petitioner, a fact, which directly connects him to the alleged syndicate and clearly distinguishes this matter from the cited authority.
28. For all that has been stated, discussed and analyzed hereinabove, this Court is of the considered view that the petitioner has miserably failed to make out a case for grant of bail in anticipation of arrest. Accordingly, the instant petition is found to be bereft of any merit, the same is **dismissed**.
29. CD file has been handed over to the learned counsel for respondent No. 1 in the open court.

Sd/- Honble
(Rajnish Oswal)
Judge

JAMMU
31.01.2026
Rakesh PS

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

Certified to be True Copy

[Signature]
Verifying Office
31/1/2026

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High Court of Jammu & Kashmir and Ladakh

Dated 31-1-26

Authorised by Section 76 of the Evidence Act

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e-Court Fee



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LOCATION : Janipur
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