

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

HCP No. 327/2025

Pronounced on: 13.07.2026

Adnan Rasool Ganie

...Petitioner(s)

Through: Mr. Tawheed Ahmad Sofi, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

1. Heard learned counsel for the petitioner.
2. Perused the writ pleadings and documents annexed therewith.
3. The petitioner-Adnan Rasool Ganie, being in a state of preventive detention custody w.e.f **24.07.2025** came forward with the institution of this writ petition on **12.11.2025** thereby seeking his release from preventive detention custody effected by virtue of

detention order No. **DIVCOM-“K”/128/2025** dated **21.07.2025** passed by the respondent No.2-Divisional Commissioner, Kashmir purportedly acting in exercise of authority under section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PIT NDPS) Act, 1988.

4. The petitioner is left with a very short remainder period of his detention custody of one year and, therefore, is still investing his faith in the constitutional court to pronounce a verdict in his writ petition rather than letting it go infructuous by efflux of time, and this court is, thus, coming to respond to said trust of the petitioner.

5. In the grounds of detention, the respondent No.2-Divisional Commissioner, Kashmir refers to the petitioner's involvement in criminal case FIR No. **58 of 2022** of Police Station, Parimpora and by that solitary reference, the petitioner has been profiled to be a potential for carrying forward his indulgences in drug trafficking in the area as per the assessment of Senior

Superintendent of Police, (SSP), Srinagar made in his dossier No. **LGL/Det-PIT/8141-44** dated **04.03.2025**.

6. If the dossier was of **04.03.2025**, then there was no reason for the respondent No.2-Divisional Commissioner, Kashmir to defer his interest and indulgence for a period of more than four months in coming up with detention order No. **DIVCOM-“K”/128/2025** dated **21.07.2025**.

7. This time gap which has not been explained renders the very basis of the petitioner's preventive detention a mockery of the PIT NDPS Act, 1988 and the mischief which it intends to check vis-à-vis a prospective detenu falling within the scope of mischief of section 3.

8. In the light of the aforesaid, the preventive detention of the petitioner effected vide order No. **DIVCOM-“K”/128/2025** dated **21.07.2025** read with the confirmation order passed by Government of Union Territory of Jammu and Kashmir is held to be illegal and is/are hereby quashed.

9. The petitioner is directed to be restored to his personal liberty by his release from the concerned Jail wherever he is kept detained, for which purpose the Superintendent of the concerned Jail to release the petitioner forthwith.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

13.07.2026

“Manzoor”

Whether the judgment is speaking : Yes / No

Whether the judgment is reportable : Yes / No

