



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.11091/2026)

GULZAR AHMAD KHAN PATHAN

APPELLANT(S)

VERSUS

UNION TERRITORY OF JAMMU AND KASHMIR

RESPONDENT(S)

ORDER

1. We have heard learned counsel for the appellant and learned counsel for the respondent-Union Territory of Jammu & Kashmir.

2. Leave granted.

3. Appellant(s) is aggrieved by order dated 14.05.2026 passed by the High court of Jammu & Kashmir and Ladakh at Srinagar (briefly the 'High Court'), rejecting the regular bail application of the appellant.

4. Appellant is an accused in FIR No.47/2025 registered at Police Station- Srigufwara, District- Anantnag, Jammu & Kashmir under Sections 8, 20 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

5. The accusation against the appellant is that at the time of interception by police patrolling party on 15.07.2025, he was found in possession of 602 grams of

Charas. Before the police, he made disclosure statement whereafter police apprehended two more persons from whom 498 grams and 318 grams of *Charas*, respectively were recovered.

6. By the impugned order, the High Court declined to grant bail to the appellant.

7. This Court vide order dated 15.06.2026 had issued notice in the related Special Leave Petition.

8. Learned counsel for the appellant submits that the quantity allegedly recovered from the appellant is way below the commercial quantity. Therefore, the rigor of Section 37 of the NDPS Act would not be attracted. The appellant is in custody for more than a year now since 15.07.2025. Investigation is complete whereafter charge sheet has been filed. Therefore, appellant may be enlarged on bail.

9. Per contra, learned counsel for the respondent-Union Territory of Jammu & Kashmir referring to the counter affidavit filed submits that on the basis of the disclosure statement made by the appellant, two more persons have been arrested from whose possession 498 grams and 318 grams of *Charas*, respectively were recovered on the same day. Thus, the total quantity is more than 01 kg, which is more than the commercial quantity.

10. On a query by the Court, he submits that charges have been framed and the matter is now ready for trial.

11. After hearing learned counsel for the parties and on

going through the materials on record, we are of the view that a case for bail is made out. It is not necessary, at this stage, to enter into the controversy as to whether the combined recovery can be construed to be a recovery against the accused, jointly or severally, so as to bring the same above commercial quantity. But the fact remains that investigation is complete whereafter charge sheet has been filed. Appellant has continued to remain incarcerated for more than a year now.

12. That being the position, the impugned order dated 14.05.2026 passed by the High Court is set aside.

13. Consequently, we direct that the appellant shall be produced before the concerned Special Court within a maximum period of 07 days from today, whereafter he shall be released on bail on such terms and conditions as may be deemed appropriate.

14. Accordingly, the Criminal Appeal is allowed.

15. Pending application(s), if any, shall stand disposed of.

..... J.

[UJJAL BHUYAN]

..... J.

[ATUL S. CHANDURKAR]

NEW DELHI;
23rd JULY, 2026.
AK

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11091/2026

[Arising out of impugned final judgment and order dated 14-05-2026 in BA No. 35/2026 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar]

GULZAR AHMAD KHAN PATHAN

Petitioner(s)

VERSUS

UNION TERRITORY OF JAMMU AND KASHMIR

Respondent(s)

(IA No. 176133/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 176134/2026 - EXEMPTION FROM FILING O.T.)

Date : 23-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Mr. Danish Majid Dar, Adv.
Mr. Rizwan Ul Zaman, Adv.
Ms. Ahra Syed, Adv.
Mr. Anant Vikram Singh, Adv.
Mr. Towseef Ahmad Dar, AOR

For Respondent(s): Mr. Parth Awasthi, Adv.
Ms. Simran Sharma, Adv.
Mr. Pashupathi Nath Razdan, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Criminal Appeal is allowed in terms of the signed order placed on file.
3. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)