S.No.02

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Bail App No.175/2026

Abdul Rashid ....Petitioner(s)

Through:- Ms. Vasudha Sharma, Advocate

Versus

Union Territory of J&K ...Respondent(s)

Through: Mr. Vivek Matoo, Advocate vice
Mr. Vishal Bharti, Dy. AG

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER
05.10.2026

1. This is a petition filed under Section 483 BNSS for grant of bail to the petitioner, who is facing trial before the Court of learned Principal Sessions Judge, Samba ["trial Court"] in criminal Challan titled UT of J&K v. Abdul Rashid and others, arising out FIR No.0165 of 2021 registered at Police Station, Vijaypur for commission of offence punishable under Sections 8/15/29 NDPS Act.

2. An application filed on similar grounds before the trial Court has been rejected vide order dated 13th July, 2026. When this matter was taken up for consideration, it was brought to my notice that the trial is near completion, in that, the prosecution evidence has already been recorded and the matter has been put

up for 7th October, 2026 for recording the statement of the accused under Section 342 Cr.P.C.

3. In view of the aforesaid, it would not be appropriate, at this stage, to consider the bail application, for, any observation made while disposing of the bail application may prejudice the either party before the trial Court. Suffice it to say that since trial is at the verge of completion and in case there is no evidence against the petitioner as it projected before me, he may earn acquittal.

4. Having regard to the aforesaid aspect, I am not inclined to show indulgence for grant of bail at this stage. This Court, however, would request the trial Court to record the statement of the accused on 7th October, 2026 itself and in case the defence does not choose to lead evidence in defence, the matter be put up for final consideration. This Court expects that having regard to the fact that the petitioner is in jail since October, 2021, it would be serving the interests of justice, if the statement of the accused in terms of Section 342 Cr.P.C. is recorded, matter is heard and decided within a period of two months from today.

5. The application shall stand disposed of accordingly.

(Sanjeev Kumar)
Judge

JAMMU
05.10.2026
Vinod, Secy

Whether order is reportable:Yes/No

Vinod Kumar
2026.10.06 12:20
I attest to the accuracy and
integrity of this document