

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

*EMG-CrIM No. 09-A/2020
In EMG WP(C) No. 22-A/2020*

Abdul Hamid Rather

...Petitioner(s)

Through: Mr Imtiyaz Ahmad Sofi, Advocate.

vs

Union Territory of JK & Ors.

...Respondent(s)

Through: Mr. B.A. Dar, Sr AAG.

CORAM:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge

ORDER

30.04.2020

Mr I. Sofi, learned appearing counsel for the petitioner while questioning the order of detention made in terms of order Divcom/RA-Detn/(22)/2020 dated 14th of March, 2020, submits that the Divisional Commissioner, Kashmir, has no power to detain the petitioner in exercise of powers under section (3) of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988, which Act stands abolished in terms of Reorganization Act, 2019. He further submits that the detention order being illegal, deserves to be quashed on the very first hearing of the matter.

Mr B.A. Dar, learned Sr AAG when asked submits that he may be given time to substantiate the order of detention.

Notice.

Notice waived by Mr B.A. Dar, learned Sr AAG on behalf of respondent. Reply by Monday, the 4th of May, 2020.

In the event Mr Dar, learned Sr AAG fails to convince the Court regarding the arguments raised by Mr I. Sofi, learned counsel appearing for the detinue, the Court will have no option but to pass appropriate orders.

Copy of paper book as also copy of this order in PDF form be provided to Mr B.A. Dar, learned Senior Additional Advocate General by the Registrar (Judicial) through e-mail Services to enable him to file reply.

(Ali Mohammad Magrey)
Judge.

SRINAGAR;

30.04.2020

"Hamid"

NO:-57/C-19/RJS

Dated:-30.04.2020

Copy of Hon'ble Court Order as also copy of paperbook forwarded to Mr B.A Dar learned SR.AAG in PDF format through email, for information and compliance.

SD/-
Registrar Judicial

