

Government of Jammu & Kashmir
Civil Secretariat Home Department
Srinagar/Jammu
NOTIFICATION

Jammu, the 7th April, 2020

S.O/122 : - Whereas, on 27-05-2019, Police personnel of police Chowki Hari Market during naka checking at Vivekand Chowk Jammu stopped one unregistered white colour Creta car in which two persons were travelling. They disclosed their identities as Arshad Ahmad Alahi S/O Mohammad Akram Alahi R/O Astan Mohalla Shopian and Fayaz Ahamd Dar S/O Abdul Salam Dar R/O Subhan Pora Bijbehara, Anantnag; and

Whereas, during search of the vehicle one polythene Bag, containing 250 grams heroin, alongwith cash was recovered; and

2. Whereas, a case FIR No. 38/2019 U/S 8/21/22/25/27-A/29 NDPS Act, 201 IPC, 13,16,17,18,20,21,39, and 40 ULA (P), Act 1967 was registered in P/S City Jammu and investigation set in motion; and

3. Whereas, during the course of investigation, site plan was prepared. The heroin and cash amounting to Rs.12,00,560/- alongwith un registered car Creta, central locking key, and smart watch was seized. The accused were arrested and statements of the witnesses acquainted with the facts and circumstances of the case were recorded under section 161 & 164-A CrPC. The sample of heroin was sent to FSL for chemical analysis and expert opinion; and

4. Whereas, during the investigation the accused disclosed the involvement of other persons namely 1. Mohammad Altaf @ Hafiz S/O Khadim Hussain R/O Behrooti Kanga Tehsil Balakote District Poonch, 2. Laddi Ram S/O Ram Lal R/O Chak Drab Khan A/P Sherpur Tehsil and

District Kathua, 3. Mohammad Latief Dar S/O Abdul Aziz Dar R/O Sonigam near Nai Basti Tehsil and District Anantnag in commission of crime; and

5. Whereas, a Special Investigating Team (SIT), was constituted headed by SP City North Jammu for further investigation in the case and during investigation taken up by the SIT one Mohammad Altaf S/O Khadim Hussain R/O Behrooti Kanga Tehsil Balakote District Poonch was arrested. The accused divulged his involvement in cross border trafficking of heroin, with the help of his relative namely Mohammad Razaq @ Billa S/o Noor Hussain R/O Behrooti Kanga Tehsil Balakote District Poonch A/P Pakistan and Shahni of Balakote; and

6. Whereas, during further investigation the accused Mohammad Altaf Alias Hafiz disclosed that he had received 27 packets of Heroin, out of which 15 packets were handed over to Arshid Ahmad Allie in three separate consignments, and rest 12 packets were lying in the land owned by him situated at Behrooti Kanga; and

7. Whereas, on the basis of his disclosure, 12 packets of heroin weighing 12.42 Kgs were recovered from the land situated at Behrooti Kanga and samples taken were sent to FSL for chemical analysis and also house of Mohammad Altaf @ Hafiz was searched, and an amount of Rs. 36,810/- of Indian Currency were recovered; and

8. Whereas , during investigation it has surfaced that one Naseer Ahmad brother of accused Fayaz Ahmad Dar, and Aejaz Ahmad @ Ranga S/O Abdul Ahad Pandit R/O Yaripora District Kulgam, both Pakistan trained terrorists, affiliated with HM residing in Rawalpandi, Pakistan, were facilitating the cross border smuggling of drugs; and

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9. Whereas, during investigation it was revealed that accused Arshid Ahmad Allai had been in contact with the above named terrorists and two other persons namely Mohammad Razaq S/O Noor Hussain and Shahni, now settled in Pakistan were involved in cross border smuggling of drugs and;
10. Whereas, during further Investigation Mohammad Latief Dar S/O Abdul Aziz Dar R/O Sonigam was arrested, who disclosed that he was continuously in touch on phone with terrorists, affiliated with HM hiding in Pakistan. Accordingly, call details, facebook chats, details of contacts were collected and analyzed, and it was found that the accused was in contact with persons residing in Pakistan; and
11. Whereas, during the course of investigation it was established that the contraband seized in the instant case was being supplied by Shahni through Mohammad Razaq @ Billa S/O Noor Hussain R/O Behrooti Kanga Tehsil Balakote, District Poonch to Mohammad Altaf S/O Khadim Hussain R/O Behrooti Kanga Tehsil Balakote District Poonch: and
12. Whereas, it was found during investigation that accused Fayaz Ahad Rather S/O Mohammad Jamal R/O Ashmuji Kulgam A/P Pakistan, was the mastermind behind the entire syndicate of Narco Terrorism: and
13. Whereas, the accused No. 06 to 10 are in Pakistan and accused No. 11 and 12 are active militant and therefore proceedings u/s 512 have been initiated; and
14. Whereas, on the strength of cogent evidence collected viz documentary, authenticated CDRs, Tower Location, certificate U/S 65-B Evidence Act, FSL Reports, report from DG CERT, New Delhi, Communication of Principal income Tax Commissioner, seizure memo, pointing out memo, disclosure memo, recovery memos, Bank account details

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along with transactions and other circumstantial evidence, prima facie case has been established against the below mentioned accused for their involvement in the commission of offences as indicated against each;

S. No	Name of the accused	Offence Proved
1.	Arshad Ahmad Allie S/O Mohammad Akram Allaie of Astan Mohalla, Tehsil Zainapora, District Shopian (Age 37 years).	U/S 13/17/18/21/39/40 ULA(P) Act
2.	Fayaz Ahmad Dar S/O Abdul Salam Dar R/O Subhanpora Tehsil Bijbehara, District Anantnag (Age 47 years)	U/S 13/17/18/21/39/40 ULA(P) Act
3.	Mohammad Altaf @ Hafiz S/O Khadim Hussain R/O Behrooti Kanga, Tehsil Balakote, District Poonch (Age 28 years)	U/S 13/17/18/21/39/40 ULA(P) Act
4.	Mohammad Latief Dar S/O Abdul Aziz Dar R/O Sonigam near Nai Basti, Tehsil and District Kulgam (Age 47 years)	U/S 13/17/18/21/39/40 ULA(P) Act
5.	Mohammad Shafi Bhat S/O Ghulam Hassan Bhat R/O Arwani Bijbehara Anantnag (Age 39 years)	U/S 13/17/18/21/39/40 ULA(P) Act
6.	Fayaz Ahmad Rather @ Shahid S/O Mohammad Akram Rather R/O Ashmuji Kulgam A/P Financial	U/S 13/17/18/21/39/40 ULA(P) Act
7.	Shahani S/O NKR R/O Pakistan	U/S 13/17/18/21/39/40 ULA(P) Act
8.	Naseer Ahmad Dar S/O Abdul Salam Dar R/O Subhanpora District Anantnag at present Shakarpanndi near Raja Bazar Rawalpanci Police Station Airport Pakistan	U/S 13/17/18/21/39/40 ULA(P) Act
9.	Aejaz Ahmad Pandit @ Ranga S/O Abdul Ahad Pandit R/O Makdhoomi Mohalla yaripora District Kulgm A/P Shakarpandi near Raja Bazar Rawalpandi, Police Station Airport Pakistan.	U/S 13/17/18/21/39/40 ULA(P) Act
10.	Mohammad Razak @ Billa S/O Noor Hussain R/O Dadot Tehsil Balakote District Poonch A/P mahajar Colony Nikyal District Kotli, PoK Pakistan.	U/S 13/17/18/21/39/40 ULA(P) Act
11.	Farooq Ahmad S/O NK R/O Bijbehara District Anantnag	U/S 13/17/18/21/39/40 ULA(P) Act
12.	Owais S/O Mohammad Yousuf R/O Malikpora Arwani Anantna (Active HM Militant)	U/S 13/17/18/21/39/40 ULA(P) Act

15. Whereas, the Authority appointed by the Government of J&K under sub-section (2) of section 45 of Unlawful Activities (Prevention) Act, 1967, has independently examined the Case Diary file and all other relevant documents relating to the case and has come to the conclusion that prima facie case against the above mentioned accused has been made out; and

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16. Whereas, after perusing the Case Diary File, the relevant documents and also taking into consideration the views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the a provisions of law;

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accords sanction for launching prosecution against the above mentioned accused for their involvement in commission of offences as indicated against each. .

By order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to Government
Home Department

No. Home/Pros/09/2020

Dated: 07 .04.2020

Copy to: -

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, India.
2. Director General of Police, J&K Jammu. The CD file in original is returned herewith, receipt of which may kindly be acknowledged.
3. Secretary to the Government, Department of Law, Justice & Parliamentary Affairs. (w.7.s.c.)
4. Private Secretary to Principal Secretary to the Government, Home Department.
5. Stock file.

Under Secretary to the Government
Home Department