

Gaurav vs. State of H.P.

Cr.MP(M) No. 1138 of 2026

30.06.2026 Present: Mr. Rajiv Rai, Advocate for the applicant/petitioner.

Mr. Jitender Sharma, Additional Advocate General for the respondent/State.

The present application has been filed seeking condonation of delay of 28 days in filing the appeal. It has been asserted that the applicant belongs to a poor family. He does not possess sufficient financial resources and was unable to arrange funds required for obtaining legal advice. It took some time to arrange the necessary finances for filing the appeal. Hence, the application.

No reply to the application has been filed.

Memo of parties shows that the applicant is lodged in jail. Therefore, his plea that he was unable to arrange the necessary financial resources or contact his counsel carries considerable force. There is only a delay of 28 days which is not significant. The right to file an appeal is a valuable statutory right of a person and should not be barred on account of small delay. There is no gross negligence on the part of the applicant; hence, the present application is allowed and the delay of 28 days in filing the appeal is ordered to be condoned.

The present application stands disposed of.

Cr. A (C-SB) (ST) No. 5327 of 2026

Vide separate order passed in Cr.MP(M) No. 1138 of 2026 the delay in filing the appeal is condoned, it be registered.

Mr. Jitender Sharma, Additional Advocate General appears and waives service of notice on behalf of the respondent/State.

Copy of appeal be supplied to the learned Additional Advocate General for the respondent/State.

Record be also requisitioned.

Cr.MP-ST No. 5328 of 2026

Application be registered.

Notice in the aforesaid terms.

Reply, if any, be filed within a period four weeks. The applicant was convicted and sentenced to undergo rigorous imprisonment for a period of three years and was directed to pay a fine of ₹50,000/- (Rupees Fifty Thousand) and in default of payment of fine to further undergo simple imprisonment for a period of six months for the commission of offence punishable under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act by learned Special Judge-I, (NDPS), Shimla, in Sessions Trial No. 65-S/7 of 2021, dated 25.03.2026/27.03.2026.

Keeping in view the fact that the appeal is not likely to be heard at the earliest as so many appeals are

pending for its disposal, therefore, operation and execution of the substantive sentence of imprisonment imposed by learned Trial Court is ordered to be suspended till further orders.

It is stated that the applicant/appellant is lodged in jail. He be released, if not required in any other case, subject to his deposit of fine, if not deposited earlier and furnishing personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of learned trial Court with an undertaking to appear before this court and serve sentence, in case of dismissal of the present appeal. The requisite bonds be furnished and amount be deposited within a period of one month from today. A copy of this order be sent to the learned Trial Court and Superintendent Model Central Jail, Kanda for information and necessary action through FASTER.

The applicant/appellant is permitted to produce copy of this order, downloaded from the Webpage of the High Court of Himachal Pradesh before the authorities concerned and the said authority shall not insist on the production of a certified copy but if required, may verify from passing of the order from website of the High Court of H.P.

Learned Trial Court is directed to transmit the bail bonds, so furnished by the applicant before it, for placing the same on record.

(Rakesh Kainthla)
Judge

30th June, 2026
(Nikita)