



CrL.A No. 2340 OF 2026

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 2340 OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL)
NO.4966/2026)**

SATISH KUMAR

APPELLANT(S)

VERSUS

STATE OF HIMACHAL PRADESH

RESPONDENT(S)

ORDER

1. Heard learned counsel for the parties.
2. Leave granted.
3. This Appeal is directed against the impugned order dated 31.12.2025 passed by the High Court of Himachal Pradesh ('High Court'), in Cr. MP No.1065/2025 in Cr. A. No.188/2024. The appellant has preferred the related Criminal Appeal against his conviction and

sentence passed by the learned Special Judge, Hamirpur, Himachal Pradesh, whereby and where under he has been convicted under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS, Act) and sentenced to undergo Rigorous Imprisonment (R.I.) of 10 years with a default stipulation.

4. Contention of the appellant is that the appellant has already undergone incarceration for more than five years and three months out of the total sentence of 10 years. That apart, the appellant has a fairly good case on merit and is hopeful of success in the Criminal Appeal pending before the High Court.

5. On 25.03.2026, this Court had issued notice.

6. Learned counsel for the State of Himachal

Pradesh submits that he has received papers of the present appeal yesterday itself and would like to file a short affidavit. When it was pointed out by this Court that since this is a matter related to suspension of sentence and therefore no affidavit would be required, his submission is that the High Court may be requested to expedite hearing of the Criminal Appeal. That apart, he submits that the Trial Court has convicted the appellant on cogent materials on record and there is very little possibility of success of the appellant in the Criminal Appeal. Thus, no interference is called for.

7. We have heard learned counsel for the parties and perused the materials on record.

8. As already noted above, out of the

substantive sentence of 10 years, the appellant has already undergone custody of more than five years and three months. The appeal is of the year 2024 and unlikely to be heard in the near future. That being the position, we are of the view that the appellant has made out a case for suspension of sentence, pending disposal of the Criminal Appeal.

9. Accordingly, we set aside the impugned order dated 31.12.2025 and allow the present appeal. The order of sentence dated 18.01.2024 is suspended and the appellant is directed to be released on bail on such terms and conditions as may be imposed by the learned Special Judge.

10. The appeal is accordingly allowed.

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

.....J.

[UJJAL BHUYAN]

.....J.

[N.V. ANJARIA]

NEW DELHI;
05th MAY, 2026.
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2. The appeal stands allowed in terms of the signed order, which is placed on the file.

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

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)