

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**CrI LP(S) No. 17/2026  
CrIM No. 1214/2026**

**UT of J&K**

.....Petitioner(s)

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

**Vs**

**Vijay Kumar**

..... Respondent(s)

Through:

**Coram: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE**

**ORDER**  
**(07.07.2026)**

**CrI LP(S) No. 17/2026**

**1.** This application seeking leave of this Court to file the present appeal has been moved by the State (now UT of J&K) against an order dated 07.12.2025 passed by the learned court of Principal Sessions Judge, Samba in file No. 28/2025 titled "*State (now UT) of J&K Vs. Vijay Kumar*" arising out of FIR No. 92/2025 registered at Police Station Vijaypur for commission of offences punishable under Sections 8, 21, 22 & 25 of the NDPS Act, whereby the respondent as an accused, was convicted and sentenced to pay fine of Rs. 10,000/- and to undergo simple imprisonment for a period of 20 days.

**2.** Since application for seeking leave is required to be filed in acquittal appeal and not in conviction appeal, the present application being misconceived is dismissed.

**3.** Applicant, however, shall be entitled to file conviction appeal without filing such application.

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4. This application has been filed seeking condonation of delay of 104 days in filing the conviction appeal against the order dated 17.12.2025 passed by learned Special Judge (NDPS Act), Samba.
5. Heard.
6. Notice to the respondent, returnable within four weeks for filing objections in the COD.
7. Requisites for service within one week.
8. List this application on **10.08.2026**.

JAMMU  
07.07.2026  
*Shivalee*

