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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 7/2026, CRL.M.A. 146/2026

JAVED

.....Appellant

Through: Mr. Amit Gupta and Mr. Vivek
Kumar, Advs.

versus

STATE GOVT NCT OF DELHI

.....Respondent

Through: Meenakshi Dahiya, Mr. Aditya
Vikram Singh, Mr. Bhanu Pratap
Singh and Ms. Vanshika Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **24.04.2026**

CRL.M.(BAIL) 7/2026 (*for suspension of sentence*)

1. By virtue of the present application, under *Section 430* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the appellant seeks suspension of sentence awarded to him vide order on sentence dated 28.10.2025 passed by learned ASJ-02, Special Judge (NDPS), East, Karkardooma, Delhi in Case No.932/2016 arising out of FIR No.108/2015 registered at PS : Crime Branch, Delhi under *Sections 20/25/29* of the Narcotic Drugs And Psychotropic Substances Act, 1985 (**NDPS Act**) whereby the appellant has been sentenced to undergo Rigorous Imprisonment for a period of *ten years* alongwith a fine of Rs.1,00,000/- and in default of payment whereof, to undergo Simple Imprisonment for *six months* for offence under *Section 20(b)(ii)(c)* of the NDPS Act.

2. Learned counsel for the appellant, relying upon the judgment "**Narcotic Control Bureau Vs. Lakhwinder Singh**" : 2025 SCC OnLine



SC 366 wherein the accused therein was released even though he had undergone only $4\frac{1}{2}$ years of incarceration out of the total sentence of 10 years, submits that the appellant herein has already undergone incarceration for about a period of 8 years out of the fixed term sentence of 10 years. He also submits that the applicant is a first-time offender, whose conduct as per the Nominal Roll has been “*Satisfactory (Punishment Nil)*”. In addition thereto, he lastly submits that the appellant shall deposit the fine amount imposed by the learned Trial Court within a period of two weeks from his release.

3. Learned APP for the State fairly submits that the application for suspension of sentence may be considered in accordance with law.

4. This Court has heard learned counsel for the parties as also perused the materials on record.

5. Considering the totality of the facts and circumstances involved herein, especially the fact that the appellant has already served more than half of his fixed term sentence of 10 years (i.e., 7 years 5 months 7 days as per Nominal Roll dated 26.02.2026) and that the appeal filed by him, which has already been admitted and is unlikely to be heard in the near future, and further bearing in mind the principles laid down by Hon’ble Apex Court in ***Bhagwan Rama Shinde Gosai & Ors. v. State of Gujarat:(1999) 4 SCC 421, Aasif @ Pasha v. The State of U.P. & Ors.:2025 SCC OnLine SC 1644, Sonadhar v. The State of Chhattisgarh:SLP (Crl.) 529/2021*** vide order dated 6th October, 2021, as well as ***Saudan Singh v. State of Uttar Pradesh:2021 SCC OnLine SC 3259*** the sentence awarded to the appellant vide order on sentence dated 28.10.2025 passed by learned ASJ-02, Special Judge (NDPS), East,



Karkardooma, Delhi in Case No.932/2016 arising out of FIR No.108/2015 registered at PS:Crime Branch, Delhi under *Sections 20/25/29* of the NDPS Act shall remain suspended pending disposal of the captioned appeal, however, subject to the following conditions:

- d. The appellant shall not leave the country without prior permission of this Court.
 - e. In case of any changes in the residential/ permanent address/ contact details/ phone number, the appellant shall inform this Court;
 - f. The appellant shall appear before this Court if, as and when directed.
6. Accordingly, the appellant shall be released from judicial custody, subject to him furnishing a personal bond in the sum of Rs.25,000/- [*Rupees Twenty Five Thousand Only*] and one surety of the like amount to the satisfaction of the concerned Jail Superintendent.
7. As such, the present application is allowed and disposed of in the aforesaid terms.
8. A copy of this order be forwarded to the concerned Jail Superintendent for information and compliance.

SAURABH BANERJEE, J

APRIL 24, 2026/So