

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 335/2023

in

S.B. Criminal Appeal No.433/2023

Gurupreet Singh @ Kala S/o Pura Singh, Aged About 26 Years,
R/o Vill. Buchcho Kalan Ps Bhatinda Cant Tehsil Nathana Dist.
Bhatinda (Presently Lodged In Central Jail Ajmer)

----Petitioner

Versus

Ncb, Jodhpur

----Respondent

For Petitioner(s)	:	Mr. Mangi Lal Vishnoi
For Respondent(s)	:	Mr. SS Rathore, PP Mr. MR Pareek for NCB

HON'BLE MR. JUSTICE FARJAND ALI

Order

15/07/2025

1. The instant application for suspension of sentence has been moved on behalf of the applicant in the matter of judgment dated 03.03.2023 passed by the learned Special Judge, NDPS Act, District Nagaur in Sessions Case No.48/2021 whereby he was convicted and sentenced to suffer maximum imprisonment of 12 years under Sections 8/22 of NDPS Act along with a fine of Rs.1,50,000/-.

2. It is contended by the learned counsel for the appellant that the learned trial Judge has not appreciated the correct, legal and factual aspects of the matter and thus, reached at an erroneous conclusion of guilt, therefore, the same is required to be

appreciated again by this court being the first appellate Court. Hearing of the appeal is likely to take long time, therefore, the application for suspension of sentence may be granted.

3. Per contra, learned public prosecutor has vehemently opposed the prayer made by learned counsel for the accused-applicant for releasing the appellant on application for suspension of sentence.

4. Heard learned counsel for the parties and perused the material available on record.

5. Four persons were apprehended by the respondent for having in possession of contraband medicinal drug. Three among them have been acquitted and the appellant has been convicted. The tablet Alprazolam of about 113.06 gm claimed to have been recovered from the bag having dominion of the appellant and that is why he has been convicted. The appeal has already been admitted two years back for making a further appreciation of legal and factual aspect of the matter and hearing of the appeal would likely to take a long time, this court is of the opinion that it is a fit case for suspending the sentence awarded to the accused-appellant.

6. Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C. is allowed and it is ordered that the sentence passed by learned trial court, the details of which are provided in the first para of this order, against the appellant-applicant named above shall remain suspended till final disposal of the aforesaid appeal and he shall be released on bail provided he executes a personal bond in the sum of Rs.50,000/-with two sureties of Rs.25,000/- each to the satisfaction of the learned trial

Judge for his appearance in this court on 18.08.2025 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
 2. That if the applicant changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the High Court.
 3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.
7. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused applicant does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(FARJAND ALI),J