

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

S.B. Criminal Misc. Bail Application (SoS) No.504/2026

IN

S.B. Criminal Appeal (SB) No. 545/2026

1. Premchand S/o Shri Devilal Alias Devaji, Aged About 27 Years, Resident Of Delas Police Station Raipur District Bhilwara Raj. (At Present Lodged In Dist. Jail Bhilwara)
2. Suresh Lal S/o Shri Prabhu Lal, Aged About 31 Years, Resident Of Bakta Ka Khera (Raghunath Pura Dhawji Ka Khera) Police Station Asind District Bhilwara (At Present Lodged In Dist. Jail Bhilwara)

----Appellants

Versus

State Of Rajasthan, Through PP

----Respondent

For Appellant(s)	:	Mr. Tirath Raj Singh Sodha
For Respondent(s)	:	Mr. N.S. Chundawat, Public Prosecutor

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

23/03/2026

1. Learned Public Prosecutor accepts notice on behalf of the respondent-State.
2. The present appeal is preferred aggrieved against order of conviction and sentence dated 13.03.2026 in Sessions Case No. 39/2019 passed by learned Special Judge, N.D.P.S. Cases, Bhilwara.
3. Admit.
4. Call for record.
5. Heard on the application for suspension of sentence.

6. Learned counsel appearing on behalf of accused-applicants submits that there is a doubt over the procedure adopted in drawing the sample and this submission is based on the argument that as per the samples drawn report, the authorities have drawn 50 grams of opium allegedly seized out of the contraband point. However, the FSL report contains only 35 grams was seized, which creates a doubt over the actual drawn of the samples. It is also his submission that he has other grounds to raise and disposal of appeal will take its own time, therefore, the appellants-accused may be enlarged on bail.

7. Considering the grounds raised and the fact that disposal of appeal will take its own time, therefore, application for suspension of sentence under Section 374(2) of Code of Criminal Procedure, 1973 (Section 415(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023) is **allowed** and sentence of accused-applicants- **Premchand S/o Shri Devilal @ Devaji and Suresh Lal S/o Shri Prabhu Lal** is suspended till disposal of appeal with the condition that they shall executes a personal bond for 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 **24.04.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

- i. That he/she/they shall appear before the trial Court as fixed by the Trial Court on first appearance. The next appearance shall be fixed with time gap of one year till the appeal is decided.

ii. That if the applicant(s) changes the place of residence, he/she/they shall inform in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.

iii. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

(MUNNURI LAXMAN),J

6-PoonamS/-