

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

S.B. Criminal Misc. Suspension of Sentence Application
No.792/2026

In

S.B. Criminal Appeal (Sb) No. 836/2026

1. M/s Regency Enterprises, Situated At Near Kothari Palace, Rani Bazar Through Partner Rajendra Kumar And Banwari Lal.
2. Rajendra Kumar Rathi S/o Nand Lal Rathi, Aged About 60 Years, Partner M/s Regency Enterprises, Bikaner R/o 3289 Mahendra Park, Rani Bag, Delhi. Second Address Through Smt. Sunita Piti W/o Ravindra Piti, Near Kothari Palce, Rani Bazaar, Bikaner.
3. Banwari Lal Pareek S/o Rukmanand Parikh, Aged About 50 Years, Partner M/s Regency Enterprises, Bikaner R/o Village Dhirasar, Tehsil And District Churu. Second Address Through Smt. Sunita Piti W/o Ravindra Piti, Near Kothari Palce, Rani Bazaar, Bikaner.
4. Ramgopal Pareek S/o Murlidhar Pareek, Aged About 50 Years, Competent Person M/s Regency Enterprises Bikaner R/o Village Rajasar Chodiya, Tehsil Sardarshahar District Churu. Second Address Through Smt. Sunita Piti W/o Ravindra Piti, Near Kothari Palce, Rani Bazaar, Bikaner.

----Appellants

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

Connected With

S.B. Criminal Misc. Suspension of Sentence Application
No.37/2026

In

S.B. Criminal Appeal (Sb) No. 768/2026

Mahendra Kumar S/o Matu Ram, Aged About 64 Years, Proprietor Of Firm V.k. Drugs And Surgicle, Sri Ganganagar, Resident Of 5 J Block, Sri Ganganagar Second, Address 538 Vinoba Basti, Sri Ganganagar Rajasthan.

----Appellant

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Appellant(s)	:	Mr. Vineet R. Dave Mr. Shreyansh Ramdev Ms. Sonika Poonia for Mr. Devendra Singh Thind (in CRL.A.S.768/26)
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MS. JUSTICE REKHA BORANA
Order

01/05/2026

1. The instant applications for suspension of sentence have been moved on behalf of the applicants in the matter of judgment dated 04.04.2026 passed by learned Special Judge, Drugs and Cosmetics Act Cases, Session Judge, Sri Ganganagar in Criminal Regular Case No.02/2013 whereby they were convicted and sentenced to suffer maximum three years' RI under Section 27(c) of the Drugs and Cosmetics Act, 1940 and lesser punishment for the other offences under Sections 27(d), 28-A and 22(3) of the Drugs and Cosmetics Act along with fine and default sentence.

2. Counsel for the appellants submits that an application for suspension of sentence as filed on behalf of the co-accused Manufacturer-M/s Regency Health Care and the Distributor-Rajendra Kumar Rathi has already been allowed vide order dated 27.04.2026 passed in *S.B. Criminal Misc. Suspension of Sentence Application No.746/2026 (in S.B. Criminal Appeal (Sb) No.787/2026)*.

3. Counsel submits that the allegations as levelled against the present applicant-appellants for which they have been convicted are of less gravity than the said accused.
4. Counsel for the appellants submits that the learned Trial Court failed to properly appreciate the legal and factual aspects, resulting in an erroneous finding of guilt. Being the first appellate court, this Court may reappraise the evidence. It is further submitted that the appellants remained on bail during trial without misuse of liberty, and as the appeals will take time for disposal, their sentence deserves to be suspended.
5. Per contra learned Public Prosecutor vehemently opposed the application for suspension of sentence.
6. Heard learned counsel for the parties and perused the material available on record.
7. Keeping into consideration the fact that sentence qua the Manufacturer- M/s Regency Health Care and Distributor-Rajendra Kumar Rathi has already been suspended and hearing of the appeal is likely to take long time, the present applications for suspension of sentence filed under Section 389 Cr.P.C. (corresponding to Section 430 BNSS) are **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-applicants named above shall remain suspended till final disposal of the aforesaid appeals and they shall be released on bail provided each of them 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 and whenever ordered to do

so till the disposal of the appeals on the conditions indicated below:-

(i). That they will appear before the Trial Court in the month of January of every year till the appeals are decided.

(ii). That if the applicants change the place of residence, they will give in writing 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.

8. The learned Trial Court shall keep the record of attendance of the accused-applicants 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 applicants do not appear before the Trial Court, the learned Trial Judge shall report the matter to the High Court for cancellation of bail.

9. List along with S.B. Criminal Appeal (Sb) No.787/2026.

(REKHA BORANA),J