

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

S.B. Criminal Appeal No. 1021/2018

Rakesh Kumar S/o Sh. Banwarilal, Aged About 26 Years, R/o Vill.
Kudsu, P.s. Panchu, Dist. Bikaner (Lodged In Dist. Jail,
Hanumangarh)

----Appellant

Versus

State, Through Pp

----Respondent

For Appellant(s) : Mr. Nishant Motsara

For Respondent(s) : Mr. L.R. Upadhyay, P.P.O

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

07/09/2018

Heard learned counsel for the parties.

Admit.

Learned Public Prosecutor accepts notice. Hence,
notice need not be issued.

Call for record.

Heard learned counsel for the parties on **S.B. CrI. Misc.**

Bail (SOS) Application No.867/2018.

Learned counsel for the appellant has submitted that
the alleged opium recovered from the petitioner is below
commercial quantity.

Learned Public Prosecutor has opposed the application

for suspension of sentence.

Having considered the totality of facts and circumstances of the case, I consider it just and proper to suspend the substantive sentence awarded to the accused appellant.

Accordingly, the bail application filed under Sec.389 Cr.P.C. is allowed and it is ordered that the substantive sentence passed by the trial court vide judgment dated 29.8.2018 in Case Criminal No.24/2013 (CIS No.178/2014) against appellant Rakesh Kumar S/o Shri Banwarilal shall remain suspended till final disposal of the aforesaid appeal, 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 8.10.2018 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 appellant 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, they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-appellant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-appellant 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 appellant does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(VIJAY BISHNOI),J

Babulal/29

RAJASTHAN HIGH COURT



सत्यमेव जयते