



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

2026:RJ-JD:20792

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 2433/2025

Anil Kumar S/o Shri Buta Ram, Aged About 23 Years, Resident Of
Chamarkhera Police Station Sadulshahar District Sri Ganganagar.
(At Present Lodged In Central Jail, Sri Ganganagar.)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Sunil Vishnoi
For Respondent(s) : Mr. N.S. Chandawat, PP

HON'BLE MS. JUSTICE REKHA BORANA
Order

01/05/2026

1. The present application for suspension of sentence has been filed on behalf of the applicant under Section 430 BNSS against judgment of conviction and sentence dated 05.12.2025 passed by learned Additional Sessions Judge, Sadulsahar, District Sri Ganganagar in Sessions Case No 79/2022 (49/2017) whereby he was convicted and sentenced as under:

Name of the accused	Offence for which convicted	Substantive sentence	Default sentence
Anil Kumar	Section 8/21 of NDPS Act	10 year's RI with fine of Rs. 1,00,000/-	2 year's RI in default of payment of fine
	Section 8/22 of NDPS Act	10 year's RI with fine of Rs. 1,00,000/-	2 year's RI in default of payment of fine



2. Counsel for the applicant-appellant while relying upon notification dated 16.10.1986 and further on the judgment of a Co-ordinate Bench of this Court in ***State of Rajasthan Vs. Pawan Kumar; S.B. Criminal Appeal (SB) No.1346/2025*** (decided on 23.07.2025) submits that the conviction in the matter stands vitiated on the sole ground that the Investigation Officer was neither the SHO nor had been handed over the charge of the concerned police station by any written order.

3. Counsel further submits that the applicant-appellant was on bail during the complete trial and did not misuse the liberty so granted to him. Further, the hearing of the appeal is likely to take a long time and hence, the application for suspension of sentence deserves to be granted.

4. Learned Public Prosecutor chose not to file reply to the application and proposed to argue the matter orally. He vehemently opposed the application for suspension of sentence.

5. Heard the Counsels on application for suspension of sentence and perused the material available on record.

6. In view of the submissions made, this Court is of the opinion that the appellant-applicant has strong grounds to challenge the impugned judgment of conviction. Hence, keeping into consideration the overall facts and the fact that the appeal is not likely to be taken up for hearing in near future, this Court is of the view that it is a fit case for grant of indulgence of bail to the appellant-applicant by suspending the sentences awarded to him by the Trial Court, during the pendency of the appeal.

7. Accordingly, the application for suspension of sentences filed under Section 430 BNSS (corresponding to Section 389 Cr.P.C.) is



allowed and it is ordered that the sentences passed by the learned Additional Sessions Judge, Sadulsahar, District Sri Ganganagar vide judgment dated 05.12.2025 in Sessions Case No 79/2022 (49/2017) against the appellant- applicant named Anil Kumar S/o Shri Buta Ram 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 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:

(i). That he will appear before the Trial Court in the month of January of every year till the appeal is decided.

(ii). 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.

(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-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 accused applicant does not appear before the Trial Court as per



the conditions indicated above, learned Trial Judge shall report the matter to the High Court for cancellation of bail.

(REKHA BORANA),J

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