

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 71/2025

In

S.B. Criminal Appeal No.78/2025

1. Narendra Singh Son Of Satyapal Singh, Aged About 27 Years, Resident Of Village Santo Post Santo Police Station Mandhan Tehsil Neemrana District Alwar (Raj) (At Present Confined In Central Jail Bharatpur)
2. Deepak Singh Son Of Shri Satyapal Singh, Aged About 23 Years, Resident Of Village Santo Post Santo Police Station Mandhan Tehsil Neemrana District Alwar (Raj) (At Present Confined In Central Jail Bharatpur)

----Appellants

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Appellant(s)	:	Mr. Rajveer Singh Gurjar
For Respondent(s)	:	Mr. Tej Prakash Sharma, SPP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

25/02/2026

The instant application for suspension of sentence under Section 430 of B.N.S.S. has been preferred on behalf of the applicant-appellants, who have been convicted for the offences under Section(s) 8/20 & 8/29 of the NDPS Act and sentenced to undergo ten years rigorous imprisonment with fine, vide judgment dated 21.12.2024 passed by learned Special Judge, NDPS Act cases, Bharatpur (District & Sessions Judge), Bharatpur (Raj.), in Special Sessions Case No.71/2021(CIS No.72/2021).

Learned counsel appearing for the applicant-appellants submits that the applicants are behind the bars from more than five years. Counsel further submits that the learned Trial Court has not appreciated the facts and circumstances of the case holistically and the hearing of the appeal will take his own time, hence, the sentence awarded to the applicant-appellants may be suspended during the pendency of the appeal.

Learned Special Public Prosecutor has vehemently opposed the application for suspension of sentence and submitted that a huge quantity of '*ganja*' has been recovered from the possession of the accused-appellant & the alleged offence(s) are serious in nature, therefore, the present application for suspension of sentence deserves to be dismissed.

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

The appellants have remained in custody for more than five years. Hon'ble the Supreme Court had considered the concept of grant of bail on account of prolonged custody in the cases of **Saudan Singh vs State of Uttar Pradesh {Petition for Special Leave to Appeal (Crl.) No.4633/2021 decided on 05.10.2021}**, **Satender Kumar Antil v. Central Bureau of Investigation & Ors. [MANU/SC/0851/2022]** and **Manohar Lal Ainani vs State of Rajasthan and Anr. {Petition for Special leave to Appeal (Crl.) No.2893/2021 decided on 15.11.2021}**.

In the case of **Manohar Lal (supra)**, the custodial period of more than five years was considered sufficient to grant bail to the

said accused. There are bleak chances of early disposal of the appeals and if the accused-appellants are not extended indulgence of bail, they are likely to serve out the sentence awarded to them by the Trial Court. As a consequence, I am of the firm opinion that condition(s) of Section 37 of the N.D.P.S. Act, is duly satisfied.

In this background and having regard to the overall facts and circumstances of the case, this Court is of the opinion that these are the fit cases to enlarge the applicant-appellants on bail by suspending their sentence during the pendency of the appeal.

Accordingly, the instant application for suspension of sentence filed under Section 430 of B.N.S.S. is **allowed** and it is ordered that the sentence awarded by the learned learned Special Judge, NDPS Act cases, Bharatpur (District & Sessions Judge), Bharatpur (Raj.), in Special Sessions Case No.71/2021(CIS No.72/2021), against the applicant-appellants, namely **Narendra Singh Son Of Satyapal Singh & Deepak Singh Son Of Shri Satyapal Singh**, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, subject to the following conditions:-

1. Both the appellants shall furnish a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned Trial Judge for their appearance before this court on 25.03.2026 and whenever they are ordered to do so till the disposal of the appeals.
2. In case, the appellants change their residential address, they shall inform this Court about the new address.
3. The Appellants shall not leave the India without taking permission of this Court.



4. In case, any surety change their residential address, they shall inform this Court about the new address.

(VINOD KUMAR BHARWANI),J

SAURABH /15