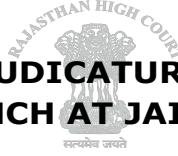




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)

No. 72/2025

URN: SOSA / 131U / 2025

IN

S.B. Criminal Appeal No.81/2025

Mangilal S/o Anandilal, R/o Morpa Police Thana Sultanpur District  
Kota Rural Rajasthan (At Present Confined At Central Jail Kota)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

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|                   |   |                      |
|-------------------|---|----------------------|
| For Petitioner(s) | : | Mr. Abdul Kalam Khan |
| For Respondent(s) | : | Mr. Amit Punia, PP   |

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**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Order**

**02/07/2026**

1. The applicant herein has been convicted under Section 8/20 of the NDPS Act vide judgment dated 17.12.2024 passed by learned Special Judge, NDPS Act Cases, Kota (Raj.) in Sessions Case No.71/2018 (CNR No. RJKT08-000257-2018) and has been sentenced to undergo five years' rigorous imprisonment.
2. Learned counsel for the applicant submits that learned trial Court has erred in convicting and sentencing the applicant as mentioned above. Learned trial Court has not appreciated the evidence in right and correct perspective. Counsel submits that the applicant has been sentenced to undergo five years' rigorous imprisonment. It is contended that the applicant has already undergone incarceration for more than one year and eight



months. It is submitted that the applicant remained on bail throughout the trial and there is no allegation that he ever misused the liberty of bail or attempted to interfere with the course of justice. Counsel submits that there is no immediate prospect of this appeal being heard and disposed of in near future and looking to the large pendency of criminal appeals before this Court, applicant will serve the entire sentence till the time appeal will come for hearing. Counsel further submits that in these circumstances, it is urged that the execution of sentence imposed upon the applicant deserves to be suspended during the pendency of appeal.

3. Learned counsel appearing for the State opposes the application for suspension of sentence and submits that the learned trial Court has rightly recorded the conviction of the applicant. It is submitted that the applicant was carrying contraband (Ganja) in a car and upon noticing the police party, he fled the scene of occurrence. Counsel submits that the applicant was identified by Police Constable- Ramanand (PW-9), and he has categorically deposed during the course of trial that he saw the applicant driving the offending vehicle in the village just prior to its interception. It is also evident from the record that eight other cases under the NDPS Act have been registered against the applicant. In these circumstances, benefit of suspension of sentence shall not be extended to the applicant.

4. At this stage, learned counsel for the applicant submits that even though eight other cases have been registered against the applicant, he has been acquitted by the learned trial Court in four



cases.

5. Certificate under Rule 311(3) of the Rajasthan High Court Rules, 1952 has been filed on behalf of the applicant, according to which, the applicant was on bail throughout the trial and presently he is confined in Central Jail, Kota since 17.12.2024.

6. Heard learned counsel for the applicant as well as learned Public Prosecutor on application for suspension of sentence and perused the material available on record.

7. Upon consideration of the arguments advanced on behalf of the learned counsel for the parties and having regard to the facts and circumstances as available on the record including judgment passed by learned trial Court, especially considering the fact that the applicant is actively involved in similar kind of offences as despite his acquittal, he was found involved in four other cases under the NDPS Act, and merely because the hearing of appeal may take considerable time cannot, by itself, constitute sufficient ground for suspension of sentence thus, looking to the nature and gravity of offence, this Court does not find any exceptional circumstance warranting exercise of discretion in favour of the applicant.

8. Accordingly, this application for Suspension of Execution of Sentence stands dismissed.

(ANIL KUMAR UPMAN),J