

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc 3rd Suspension Of Sentence Application
(Appeal) No. 197/2026

In

S.B. Criminal Appeal No.1968/2018

Arun Kumar Pandey S/o Jaleshwar Pandey, Aged About 34 Years,
R/o Duboli, Post Dularpur Police Station Gahrani, Tehsil Araa,
District Bhojpur, Bihar. (Presently Accused-Petitioner Is Confined
In Central Jail Jaipur)

----Appellant/Applicant

Versus

Union, Of India

-----Respondent

For Appellant(s)	:	Mr. Deepak Chauhan
For Respondent(s)	:	Mr. Tej Prakash Sharma, Spl. PP with Mr. Vaibhav Jhankara

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/02/2026

1. The instant 3rd SOS application is preferred by appellant-appellant-accused-**Arun Kumar Pandey S/o Jaleshwar Pandey**, (hereinafter referred as 'the appellant') in pending criminal appeal, which was filed aggrieved from judgment of conviction and sentence dated 18.08.2018 in Session Case No.25/2017 passed by learned Special Judge (NDPS) Cases, Dausa.

2. Learned counsel for the appellant while relying upon grounds of appeal submitted that without observing principle of law learned trial court has arrived at a conclusion of conviction. He further

submitted that learned trial court has overlooked material contradictions and discrepancies, which goes to root of the matter. He further submitted that the entire case of prosecution rests on testimony of interested witness and no independent witness was examined to corroborate the story of prosecution.

3. Considered submissions of learned counsel for the appellant and learned Special Public Prosecutor appearing on behalf of the respondent.

4. First application for suspension of sentence of the appellant was dismissed by this Court on 10.04.2023 and second application for suspension of sentence on 06.03.2025. In the meanwhile, the appellant has approached Hon'ble Supreme Court by filing **SLP (Crl.) No.10418/2023** which was dismissed on 13.12.2023. While dismissing the SLP (Crl.), the Hon'ble Supreme Court has given liberty to the appellant to approach the High Court for expeditious disposal of the pending criminal appeal but with a rider that if the appeal continues to remain pending for one more year, the appellant is at liberty to reiterate the prayer of bail.

5. Learned Special Public Prosecutor has submitted a custody certificate which indicate that the appellant has undergone sentence of more than 9 years 1 month and 19 days against maximum sentence of 10 years to the appellant-accused which is 92% of the sentence awarded to the appellant.

6. This Court has considered identical case of Mahesh Kumar Goswami on 20.01.2026 and allowed the application for suspension of sentence only on the ground of period of custody while considering judgment dated 08.05.2025 in **Suo Moto Writ Petition (Criminal) No. 4/2021 in Re-policy Strategy for**

Grant of Bail wherein Hon'ble Supreme Court has considered judgment in cases of **Bhagwan Ram Shinde Gosai Vs. State of Gujarat (1999) 4 SCC 421, NCB Vs. Lakwinder Singh 2025 SCC Online SC 366 and Atul @ Ashutosh Vs. State of U.P. 2024 (3) SCC 663.**

7. At this stage, it is not possible to express any opinion on the merits of the case and having taken note on the period of incarceration, it is appropriate to extend the benefit to the appellant as extended to co-accused Mahesh Kumar Goswami Son Of Rampratap Goswami.

8. In view of discussion made hereinabove, the instnat 3rd suspension of sentence application is hereby allowed and it is ordered that sentence of appellant-accused-**Arun Kumar Pandey S/o Jaleshwar Pandey** is suspended till disposal of appeal with the condition that he would execute a personal bond in the sum of ₹50,000/- with two sureties of ₹25,000/- each to the satisfaction of the learned trial Judge for his appearance in this Court on **13.05.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That the appellant accused shall not indulge in any criminal activity and not repeat crime of any nature during period of suspension of sentence/bail.
2. The appellant shall mark his attendance on every month in the concerned Police Station.
3. That the appellant will appear before the Trial Court in the month of January of every year till the appeal is decided.

4. 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.

5. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

9. In case, the appellant/applicant has violated any condition then the order of suspension of sentence shall be recalled and cancelled.

10. Misc. Application stands disposed of.

11. A copy of this order be sent to learned trial court through E-mail.

(ASHOK KUMAR JAIN),J