

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Second Suspension Of Sentence Application
(Appeal) No. 802/2026

In

S.B. Criminal Appeal No.444/2025

Siyaram Son Of Shri Narayan, Aged About 53 Years, R/o Seva
Police Station Wazirpur, District Sawai Madhopur (Rajasthan) (At
Present Confined At Central Jail, Bharatpur)

----Applicant

Versus

State Of Rajasthan, Through Pp

----Respondent

For Applicant(s)	:	Mr. Girish Khandelwal
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

25/05/2026

1. The applicant has been convicted by the learned Special Judge, N.D.P.S. Act Cases, Karauli vide judgment dated 30.01.2025 in Session Case No.39/2021 for the offence under Sections 8/21 of N.D.P.S. Act and sentenced for seven years Rigorous Imprisonment with default stipulation for recovery of 7 grams of illicit smack from his possession on 04.02.2021.
2. Heard learned counsel for the applicant and learned Public Prosecutor on the application for suspension of sentence and perused the material available on record.
3. Learned counsel appearing for the applicant has submitted that the prosecution has failed to prove its case beyond reasonable doubt. The learned trial Court has convicted and

sentenced the accused applicant on surmises and conjectures. The first application for suspension of sentence was rejected on the ground of short period of sentence undergone by the applicant as well as his criminal antecedents. However, the applicant has now remained in incarceration for the last two years and three months. Out of the total six criminal cases registered against him, in two cases of similar nature, including one case under the NDPS Act and another under the Excise Act, the applicant has already been acquitted, whereas the one case has also been decided. In view of the prolonged period of incarceration as well as the disposal of the three cases pending against the present applicant, he is entitled to be considered for grant of suspension of sentence. It is further submitted that no new criminal case has been registered against the applicant after the year 2021 and disposal of the appeal will take considerable time, hence the second suspension of sentence application of the applicant deserves to be allowed and he may be released on bail.

4. Learned Public Prosecutor has vehemently opposed the application for suspension of sentence.

5. Taking into consideration all the facts and circumstances of the case, the period of sentence awarded and the fact that disposal of the appeal is likely to take considerable time but without expressing any opinion on merits of the case, I am inclined to suspend the sentence of the appellant **Siyaram Son Of Shri Narayan.**

6. It is, therefore, ordered that the sentence of the applicant shall remain suspended till disposal of the appeal and he shall be

released on bail, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each, to the satisfaction of the trial Court to the effect that he shall appear before this Court on 24.06.2026 and as and when called upon to do so.

7. The application is accordingly disposed of.

(PRAMIL KUMAR MATHUR),J