

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 1200/2024

In

S.B. Criminal Appeal No.1597/2024

Deepak Jain Son Of Shri Ravindra Jain, Aged About 29 Years,
Resident Of Near Main Chauraha, Modak, Kota Present Address
Rented House Of Tinku Khatik, Sogaria, P.s. Railway Colony,
Distt. Kota, Rajasthan. (At Present In Central Jail, Kota)

----Appellant

Versus

State Of Rajasthan, Through PP

-----Respondent

For Appellant(s)	:	Mr. Narsi Prasad Sharma
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

16/02/2026

The instant application for suspension of sentence under Section 430 of B.N.S.S. has been preferred on behalf of the applicant-appellant, who has been convicted for the offences under Section(s) 8/20(b)(ii)(c) of NDPS Act and sentenced to undergo 15 years rigorous imprisonment with fine, vide judgment dated 18.12.2023 passed by Court of learned Special Judge, NDPS Cases, Kota (Rajasthan), in Special Sessions Case No.27/2021.

Learned counsel appearing for the applicant-appellant submits that the applicant is behind the bars from more than five years and the alleged recovery of Ganja weighing 20.300 kgs was made from the present appellant. 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 its own time, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

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

The appellant has 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 appeal and if the accused-appellant is not extended indulgence of bail, he is likely to serve out the sentence awarded to him 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 & circumstances of the case, this Court is of the opinion that this is a

fit cases to enlarge the applicant-appellant on bail by suspending his 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 Court of learned Special Judge, NDPS Cases, Kota (Rajasthan), in Special Sessions Case No.27/2021, against the applicant-appellant, namely **Deepak Jain Son Of Shri Ravindra Jain**, shall remain suspended till final disposal of the aforesaid appeal and he shall be released on bail, subject to the condition that he 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 his appearance before this Court on 16.03.2026 and whenever he is ordered to do so till the disposal of the appeal.

(VINOD KUMAR BHARWANI),J