

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 1766/2025

In

S.B. Criminal Appeal No.2289/2024

1. Bhawani Singh Alias Bhanu Son Of Chhotu Singh, Aged About 22 Years, Resident Of Govaliya, Police Station Bhinay, District Ajmer. (At Present In Central Jail Ajmer)
2. Sanwarlal Son Of Siyaram, Aged About 24 Years, Resident Of Village Sawalpura, Police Station Bhinay, District Ajmer. (At Present In Central Jail Ajmer)
3. Kalu Son Of Chhagne, Aged About 20 Years, Resident Of Village Jorawarpura Pithawas, Police Station Masuda, District Ajmer. (At Present In Central Jail Ajmer)

----Appellants

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Appellant(s)	:	Mr. A.K. Gupta, Sr. Adv. Assisted by Mr. Aniket Sharma, Mr. Ashutosh Singh Naruka & Mr. Gorang Agarwal
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP with Mr. Gaurav Gupta, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

09/02/2026

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) 8/15 & 8/18 of NDPS Act and sentenced to undergo 10 years rigorous imprisonment with fine, vide judgment

dated 20.07.2024 passed by learned Special Judge, NDPS Act, No.1, Kekri, District Ajmer, in Sessions Case No.40/2020.

Learned counsel appearing for the applicant-appellants submits that the applicants are behind the bars for more than six 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 its own time, hence, the sentence awarded to the applicant-appellants may be suspended during the pendency of the appeal.

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 Special Judge, NDPS Act, No.1, Kekri, District Ajmer, in Sessions Case No.40/2020, against the applicant-appellants, namely **Bhawani Singh Alias Bhanu Son Of Chhotu Singh, Sanwarlal Son Of Siyaram & Kalu Son Of Chhagne**, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, subject to the condition that each of them 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 09.03.2026 and whenever they are ordered to do so till the disposal of the appeal.

(VINOD KUMAR BHARWANI),J